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ABSTRACT

In order to discern states' compliance with court mandates to provide prisoners with adequate legal counsel or access to legal reference materials, a questionnaire was administered to state consultants in 1972 and updated and expanded by later contacts with institutional consultants. Findings indicated that states are trying to comply with court-ordered requirements, but few have provided services and materials to meet established standards. Some of the problems were: inadequate funding, lack of librarians trained in legal reference work, lack of easy-to-use materials, a need to train inmates in use of the materials, and limited access to materials outside the prison. Specific recommendations for adequate legal reference services are made. Appendixes include the questionnaire and related documents. (LS)

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Survey of Library and Information Problems in Correctional Institutions

Volume II

Access to Legal Reference Materials in Correctional Institutions

Marjorie LeDonne

Institute of Library Research
University of California

Berkeley, California 94720

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ABSTRACT

This volume discribes efforts made by states in response to the Federal Supreme Court mandate established in Younger v. Gilmore [404 U.S. 15 (1971)] to provide adequate legal counsel or adequate access to legal reference materials to inmates in correctional institutions. Data are also included from an earlier unpublished report prepared for participants in a seminar on Legal Reference Materials for Offenders; this seminar was funded by the U.S. Office of Education and jointly sponsored by the American Correctional Association and the Institute of Library Research. Original data were gathered from institutional consultants in a March 1972 questionnaire and were updated and expanded through later contacts with institutional consultants.

ABBREVIATIONS

AAL	Association of American Libraries
ABA	American Bar Association
ACA	American Correctional Association
ACLU	American Civil Liberties Union
AHIL	Association of Hospital and Institution Libraries
FBP	Federal Bureau of Prisons
HEW	Department of Health, Education, and Welfare
ILR	Institute of Library Research
LEAA	Law Enforcement Assistance Act
LSCA	Library Services and Construction Act
NACCJSG	National Advisory Council on Criminal Justice Standards and Goals
OE	Office of Education
UC	University of California
SRRT	Social Responsibilities RoundTable of the American Library Association

For convenience, shortened forms of lengthy terms have been used frequently in this report. Unless designated otherwise, the following generic terms have these specific meanings:

administrators	-	correctional administrators
consultants	-	state library institutional consultants
departments	-	departments of correction
institutions	-	correctional institutions

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ACKNOWLEDGEMENT

The original questionnaire used to gather data for this report on Access to Legal Reference Materials in Correctional Institutions was prepared by Miss Margaret Hannigan, Coordinator, Library Services to Institutions, Division of Library Programs and Facilities Branch, Department of Health, Education and Welfare. The questionnaire was mailed by the American Correctional Association to state library institutional consultants. The first tabulations were compiled by Miss Hannigan and provided valuable information to participants in the seminar on Legal Reference Materials for Offenders, which was held in College Park, Maryland in May 1972. The seminar brought together librarians, law librarians, attorneys and correctional administrators representing a wide variety of professional groups and government agencies to explore the problem of providing prisoners with adequate access to legal reference materials and to seek possible solutions to present problems.

As preparations for this later report have met with crowded scheduling and seemingly insufficient time, I appreciate anew Miss Hannigan's accomplishment. Preparation time for the seminar was short. ACA committee members doubted that there was enough time to compile the information that was needed. The results of Miss Hannigan's efforts proved their doubts to be unfounded.

Additional data were provided by independent researchers: Dr. Lesta Norris Burt, Mr. Robert Wang, and Mr. William Forman. Their generous assistance is gratefully acknowledged. Thanks are also due to the institutional consultants who provided the original information and expanded upon it through correspondence and telephone discussions with ILR staff members.

I. INTRODUCTION

This report, Access to Legal Reference Materials in Correctional Institutions is one of several products stemming from a Study of Library and Information Problems in Correctional Institutions which was undertaken by the Institute of Library Research of the University of California under a grant from the U.S. Office of Education, Bureau of Libraries and Learning Resources. Because of the bulk of final report material and because different sections have varying degrees of usefulness for different professional and student groups, the report has been divided into four, independent volumes, of which this section is Volume II. Volume I., Findings and Recommendations reports on a study of the total library needs and services provided to inmates and staff in adult and juvenile correctional institutions under Federal and state jurisdiction. Data were gathered in on-site visits and discussions with inmates and staff in a variety of correctional institutions in 10 sample states. Volume III., Current Practices in Correctional Library Services: State Profiles is a compilation of brief state-by-state descriptions of current library programs and services in state-administered correctional institutions, accompanied by related statistical data. Data were gathered from available published and unpublished documents, information provided by independent researchers, correspondence and telephone conversations with state library institutional consultants in each state. Volume IV., Bibliography, is a listing of materials on correctional library services, with emphasis upon materials published within the last five years. The purpose of Volume II. of the report is to provide information which will be useful to attorneys, legislators, correctional administrators, librarians, and others who seek to provide improved access to legal reference materials and services to persons confined in correctional institutions.

There has been growing concern during the last decade that of the large number of persons who are arrested for crimes each year, a disproportionate share of those convicted and sentenced to prison are the poor who can afford neither to post bail nor to engage a personal attorney. Over-burdened public defenders and legal aid attorneys representing these persons are forced into a system of plea bargaining for their numerous clients rather than mounting a genuine defense. These practices are widespread, and it has been said frequently that our courts could not function without them; that our entire criminal justice system would be overwhelmed by the numbers of cases to be tried, unless some compromise is made. Few states have established effective systems in which indigent prisoners can appeal such convictions or challenge conditions of their confinement. In nearly all situations, appeals to the court must be undertaken by the inmate himself with such assistance as he may be able to obtain from more knowledgeable fellow prisoners. If an appeal has merit, the court may assign an attorney to represent a prisoner, but initial steps in the suit must

be carried out by the prisoner himself. To do this successfully often involves years of study and frequent false starts before the inmate can achieve sufficient expertise to thread his way through the complexities of legal procedure. Injustice is further compounded if he must put aside money from his earnings of a few cents a day to purchase expensive law books.

These considerations led to the Federal Supreme Court decision [Younger v. Gilmore, 404 U.S. 15 (1971)] which upheld a lower court's definition of an inmate's right of access to legal reference materials as an extension of his right of access to the courts; this decision also established a mandate for correctional agencies to provide prisoners in state correctional institutions with adequate legal counsel or adequate access to legal reference materials. Information on the approaches various states have taken to meet this mandate should be of value to all concerned persons.

The information compiled in this report refers only to adult correctional institutions under state jurisdiction. The considerations under question in the original court case establish clearly that the resulting decision applies to these institutions; its application to those under Federal jurisdiction is less clear and may be determined by the courts in some future case. In some states, recent Federal District Court decisions have applied the Younger v. Gilmore decision to county jails, but to date, no mandate has been established of national scope to provide indigent prisoners in county institutions with access to legal reference materials.

The initial effort to gather information in this report was made in preparation for a seminar on the provision of legal reference materials to prisoners, held in College Park, Maryland, in May 1972. A report of the seminar is included as Appendix A. The seminar, jointly sponsored by the American Correctional Association (ACA) and the Institute of Library Research (ILR) of the University of California, was funded by a grant from the U.S. Office of Education. It was called to provide persons in a variety of professional fields and government agencies, who shared a common concern for meeting the mandate of the court, an opportunity to share information and ideas across professional boundaries and to seek solutions to problems of material selection, delivery, and funding.

Recognition that convicted persons have a constitutional right of access to the courts has come slowly. Although the concept of a correctional institution as a place of punishment was rejected more than a century ago in favor of the more civilized objective of protecting society through the rehabilitation of offenders, our laws and courts have been slow to reflect this philosophy. The fourteenth amendment, which quaranteed the constitutional rights of former slaves, explicitly excluded convicted prisoners from its provisions. Penal codes in many states spelled out in detail the condition of "civil death" imposed upon a convicted felon at the point of sentencing.

Occasional inmate appeals were received by the courts, but these were few and considered matters of governmental or administrative grace, not of constitutional right. Inmates' letters to courts were censored along with other inmate mail. Imperfectly prepared writs were turned back by prison officials, as were all writs challenging conditions of confinement of violations of inmates' rights. In 1941, Cleio Hull, a prisoner at Southern Michigan State Prison succeeded in smuggling out a written complaint addressed to the court. The court accepted the hastily prepared note as a proper writ and ruled against any form of intervention between prisoner and court. The decision was appealed and upheld by the Federal Supreme Court, thus firmly establishing an inmate's right of access to the courts. [ex parte Hull, 312 U.S. 546 (1941)].

The determination as to which writs were acceptable was for the court to make, not the prison administration; however, the reference tools needed to prepare an acceptable writ were not yet matters of judicial concern. They were, however, a matter of great concern to correctional administrators. In some institutions law books were banned; in others they were provided at state expense. Nearly all institutions restricted the number of personally-owned law books a prisoner was allowed, and also restricted the loaning, sharing, exchanging, or selling of law books between prisoners. When transferred to another institution, prisoners were not allowed to take personnally-owned law books with them. In many institutions these restrictions forced the abandonment of inmates' books and led to the accumulation of large numbers of law books in prison libraries. The presence of these highly desired materials in small overcrowded libraries created many problems. At San Quentin Prison California, inmates often waited a week or more for an appointed hour in the library with a reserved law book only to discover that the needed passage had been torn out by a previous user. The size of legal reference collections in institutions varied widely. Often this caused great bitterness when a man was transferred from one institution to another.

During the period following ex parte Hull correctional agencies were not required to provide inmates with law books, but there was a recognized prohibition against the active intervention or denial of access to law books at hand. In 1967 the California Department of Corrections disturbed this balance. In an effort to cope with the mounting volume and pressure of inmate legal research, the Department chose not to expand facilities and services, but to reduce activity. Paragraph 330.041 was introduced into the Manual of Administrative Procedures; it called for the establishment of limited standardized legal reference collections in all of California's 14 adult correctional institutions.[2] These were to be maintained and kept current at state expense. All other law books were to be removed from institutional libraries. These legal collections were to be limited to the following publications:

1. California Penal Code

2. California Welfare and Institutions Code

3. California Health and Safety Code

4. California Vehicle Code

5. U.S. and California Constitutions

6. Law Dictionaries

7. Wilkins California Criminal Procedures

8. Subscription to the California Weekly Digest

9. California Rules of Court

10. Rules of the U.S. Court of Appeals

11. Rules of the U.S. Supreme Court

Important to note is that this very limited list is still superior to existing collections of legal materials provided in many correctional institutions in the country today.

In all but two of the state institutions, this list increased the number of law books provided; but at San Quentin and Folsom Prisons, the list severely reduced the number of books available to inmates.

In addition to these small on-site collections, inmates could request materials from a special central collection which had been set aside for their use at the California State Law Library. The rate of book loss and book damage was high for materials loaned to prisoners and the drain upon collections heavy. In 1969, of the more than 6,000 requests for inter-library loan materials filled by the State Law Library, more than two-thirds were for materials requested by inmates in state correctional institutions. Because California State Statutes have designated the primary function of the State Law Library to be service to the State Legislature, the special collection for prisoners was developed as a means of protecting the main law library holdings. The size of the special collection, however, was inadequate to give the volume of service needed for the approximated 29,000 prisoners confined at that time in California's adult state correctional institutions.

In response to the Department's directive to limit the size of on-site law libraries, two inmate "jail house lawyers," Robert O. Gilmore and John Van Geldern, brought a class action suit against the Department of Corrections and the State Law Library which charged that the limited access to legal reference materials, and the destruction of the legal materials in the inmate libraries at San Quentin and Folsom Prisons, violated inmates' constitutionally protected right of equal access to

the courts. In May 1970, the Federal District Court in San Francisco ruled in favor of the inmates [Gilmore v. Lynch, 319 F. Suppl 105 (N.D. Cal. 1970)]. The suit against the State Law Library was dismissed because the Court held that it was the Department of Corrections which had a positive, affirmative responsibility to provide all inmates confined in their institutions with adequate legal counsel or with access to an adequate range of legal reference material. The court directed the Department of Corrections to submit a plan to the court for review. The Department appealed the decision to the Federal Supreme Court, which upheld the lower court's decision, thereby extending the mandate to provide inmates with adequate access to legal materials or legal counsel, to every state in the nation. [Younger v. Gilmore, 404 U.S. 15 (1971)]. The Supreme Court, however, did not define the term "adequate," as applied to either "legal counsel" or to "legal reference materials." Each state must make this determination individually.

Concern for these problems led several professional groups and government agencies to take action. The American Association of Law Libraries (AALL) established a committee under the chairmanship of Mrs. Elizabeth Poe, Pennsylvania State Law Librarian, to prepare general lists of reference materials for minimum and expanded legal collections, to recommend specific lists of materials for each individual state, and to compile a directory of law libraries which would provide prisoners with reference services and/or photocopied materials by mail.[3]

The American Correctional Association (ACA) created its Sub-committee on Legal Reference Materials, co-chaired by Miss Margaret Hannigan of the Library Programs and Facilities Branch of the U.S. Department of Health, Education, and Welfare (HEW), and the author of this report; Mrs. Poe served as liaison between the ACA Sub-committee and the AALL Committee which she chaired. The ACA Sub-committee proposed that a seminar should be held which would bring together experts from the various professional fields in which there was shared concern for meeting the mandate of the court to provide access to legal reference materials. (A report of this seminar made by the sub-committee chairman to the Joint AHIL/ACA Library Committee in June 1972 appears as Appendix A in this report.) The purpose of the seminar was to provide an opportunity for the exchange of ideas and information across professional lines which would assist the ACA Sub-committee to develop recommendations for the provision of legal reference services to prisoners which could serve as guidelines for meeting the new mandate of the court.

Participants agreed that the recommended lists of materials for miminum and expanded collections prepared by AALL should be included in the ACA recommendations. Under the direction of Miss Marion Vedder, Guidelines for Legal Reference Service in Correctional Institutions: A Tool for Correctional Administrators was prepared. The document was formally approved by the ACA Board of Directors at the annual ACA Congress in Pittsburgh in August 1972 and was published by ACA in March, 1973.[4]

The American Civil Liberties Union (ACLU) worked with the New York State Department of Corrections to develop a list of materials for New York State Institutions. A Law Enforcement Assistance Act (LEAA) grant placed the recommended collections in the seven major institutions of the state.

The ABA Commission on Correctional Programs and Facilities assigned a task force to mobilize members of the bar to improve inmate access to legal reference materials. A program was undertaken to forward paperbound advance sheets to prison libraries as they are replaced by bound volumes in outside law libraries. A nationwide survey project is being coordinated in which local Bar Association Chapters will cooperate with correctional administrators to determine the variety and scope of inmate legal problems and to identify which conditions or procedures in correctional institutions present cause for legal action. West Publishing Company prepared recommended lists of materials for each state and agreed to provide training sessions in the use of the packaged collections. ALA adopted a resolution to protect Library Services and Construction Act (LSCA) funds from being drained to provide the legal materials now required by law. The AHIL resolution is attached in Appendix B.

The National Advisory Commission on Criminal Justice Standards and Goals (NACCJSG) developed standards for access to legal reference materials. The commission was appointed in 1971 by Jerris Leonard, Administrator of the Law Enforcement Assistance Administration, to formulate for the first time national criminal justice standards and goals for crime reduction and prevention at state and local level. Their Report on Corrections includes Standard 2.3, which includes the following statement:

1. An appropriate law library should be established and maintained at each facility with a design capacity of 199 or more. A plan should be developed and implemented for other residential facilities to assure reasonable access to an adequate law library.

2. The library should include:

    a. The state constitution and state statutes, state decisions, state procedural rules and decisions, and legal works discussing the foregoing.
    b. Federal case law materials
    c. Court rules and practice treatises.
    d. One or more legal periodicals to facilitate current research.
    e. Appropriate digests and indexes for the above.

3. The correctional authority should make arrangements to insure that persons under its supervision, but not confined, also

have access to legal materials.

The list of materials in the commissions standards, while using more general language, paralells the lists of materials prepared by AALL a year earlier. The AALL listing includes a choice of specific titles suitable for each category, the price, and shelf space required to house each publication. It also gives the cost and shelf space needed for annual updating.

There are, however, two important differences between the list prepared by the commission and those prepared by the law librarians. The former list fails to state the number of years for which back volumes should be provided. The minimum collection listed by AALL includes back volumes of state and federal reports from 1960; the expanded collection requires back volumes from 1950. Because the original AALL listing was published in 1972, the specific dates given could have been translated into the general language of the commission's standards by requiring a minimum of ten years of back volumes and by recommending twenty. Because our system of law bases each new decision by the court on previous decisions, the provision of current volumes alone is meaningless. The failure to include a time span for required volumes which are listed in the commission's standards seriously weakens their effectiveness. A second difference is the omission in the commission's list of citators to inform which court decisions previously published in state and federal reports have been reversed or modified by later decisions. One of the most frequent errors in the writs and appeals prepared by inmates in the use of citations which are no longer valid. At this time, Shepards Citations which are included in the AALL listings, are the only publications providing such information. A failure to provide these particular reference tools will allow many faulty writs to be unknowingly submitted to courts for review, thereby unnecessarily increasing the workload of the courts and the frustration of the inmates.

Members of the ACA Committee on Legal Reference Materials saw the task of providing adequate legal reference information as more than the selection of required materials. They were concerned not only with state institutions, but also with county jails, with methods of delivery, accessibility within an institution, instruction and assistance in the use of the materials, and in the suitability of materials for persons from varying cultural and educational backgrounds. They were concerned also that the high cost of materials would make it extremely difficult for small institutions to provide collections which were current and of sufficient scope.

At the May 1972 ACA/ILR seminar, a proposal was made to provide materials on microfilm rather than in bound volumes. Those present agreed that such an approach offered many advantages and answered many of the concerns of the committee. In August 1972, a meeting was held at the ACA Annual Congress to discuss with law book publishers the possibility of publishing such a product. At this time the notion was to reproduce present professional materials in an economical microform format. It was soon apparent that copyright problems were insurmountable.

Although court decisions are in the public domain, the indexing systems and access tools for their use are not. One publishing company has developed a key number system with coordinating head notes which are extremely useful in sorting through the quantity of material that emerges continually from all parts of the country and in all areas of law. This key number system has been established to the point where present materials can hardly be used without it; the key system and accompanying head notes are protected by copyright laws.

Later court decisions have proved the committee's concern for extending service to the inmates of small, short term institutions to be well-founded. In California, the sheriff of Santa Clara County was instructed by the Federal District Court to provide at the county jail the same legal reference materials required in state institutions. [Batchelder v. Geary, No. C-71-2017 RFP (N.D. Cal. April 16, 1973)]. A Federal District Court in Texas also ruled that the provisions of Younger v. Gilmore applied to inmates of county jails. [Cruz v. Hauck 345 F. Supp. 189 (D.C. Tex. 1972)]. An overview of these decisions can be found in an earlier product of this study, Summary of Court Decisions Relating to the Provision of Library Services in Correctional Institutions published in the Winter/Spring 1973 issue of the AHIL Quarterly and now available in reprint from AHIL. In short term institutions, the problems of providing self-help legal reference materials is complex because of the inexperience of those wishing to use the materials.

Myron Jacobstein, Stanford University Law Librarian has proposed a plan to provide legal information services to inmates in all institutions which would be practical, economical, and more suitable for layman's use. He has suggested that a microfiche service be established that would scan the universe of material, select that which falls within the range of inmate needs, and give broad general instructions. Court cases, sample briefs, journal articles, statutes, and legislation, would be encompassed in one service. Revised decisions would be updated, eliminating the need for citators. The indexing would be simplified so that lay people could use it, and uneducated persons would need minimal assistance.

The service would provide current materials on microfiche cards. The size of the potential market could lower the cost of microfiche to a point that cards could be given to inmates for less than clerical costs of controlling and checking out conventional material. By developing the service from original materials within the public domain, difficulties over copyright laws would be bypassed. Each institution would install microfiche readers and a reader-printer so that selected passages could then be reproduced in normal sized print as desired. For the occasional inmate legal problem which falls outside the scope of the collection, photocopy could be provided by an outside law library. The provision of the service would not be used as a substitute for legal aid programs, but as a supplement. Present legal aid programs are over-burdened with the large numbers of requests for assistance. The provision of simplified

information to their clientele will make their task much easier. Efforts of correctional administrators and governmental agencies to meet the legal information needs of inmates have been many and varied. Moreover, the prevalent climate of public concern for the workings of our criminal justice and correctional systems has generated a high degree of interest among community and professional groups.

The Social Responsibilities Round Table of the American Library Association served as Amicus Curia in the hearings before the Federal District Court on the California Department of Corrections plan to meet the provisions of Gilmore v. Lynch. The library group urged that copy machines be provided for inmate use at each institution, that the State Library rather than the Department of Corrections provide the service, and that qualified librarians, as well as library materials, be provided. These recommendations were not included in the plan approved by the court; however, they were partially adopted later through administrative measures within the Department of Corrections. The Department contracted for supplemental services from the State Law Library and has placed copying machines in major institutions.

In Illinois a plan was proposed to provide legal reference materials not only to inmates of state institutions, but also to persons confined in county jails and local correctional institutions. Citizens of the free community would also have access including persons on parole, on probation or waiting trial. Community and institutional libraries in Illinois have been organized into cooperative systems based on geographical regions. Each region has a systems headquarters library which coordinates services and provides linkage within the network to the state library and to university libraries. A three-way contract between the State Library, the Department of Corrections, and individual systems established each correctional institution library as a branch of its regional system library. Staff and services are provided and administered by the outside library.

Under the plan, comprehensive law collections were to be housed at each system headquarters library. Necessary access tools, indexes, digests, dictionaries and major procedural texts were to be placed in all participating libraries, community as well as institutional. Photocopies of original materials would be provided on request. Agreements for the use of photocopies had been reached with publishers. Photocopied materials were to be checked out and returned to build a file of copied materials at each participating library. This file would be searched before a request was forwarded to the system. Materials not in the system's collection would in turn be requested from the State Law Library or from university law libraries.

The advantages of this system are numerous. It would provide unlimited access to a full range of materials, would provide access for a larger number of people, would locate collections where professional librarians could provide at least limited reference service, would protect

the collection from vandalism and book loss; and, in view of the size of its potential clientele, it would be relatively inexpensive. Unfortunately, funding for the program was complicated and was not realized. Several agencies with separate budgets were involved and the pressure to meet the court mandate did not allow time for the difficulties to be resolved. The plan was abandoned for a more limited and conventional one to place basic collections in each major correctional institution.

Florida is seeking funds to place AALL expanded law libraries in two major long-term institutions, and to place minimum libraries at each of the remaining institutions. Work camps would be provided with inter-library loan service from the State Prison at Starke. A departmental law librarian would serve as liaison with the state law library, provide backup services, instruction in the use of materials, and consulting services. He would visit each of Florida's eight correctional institutions at least twice each year.

Connecticut received an LEAA grant to microfilm materials in the State Law Library for placement in each correctional institution. Microfilm readers are provided at each institution. Copyright laws limit microfilmed collections to Connecticut State materials, those materials in the public domain, and those from cooperating publishers. Thus, the usefulness of the collection is limited. Inter-library loan and photocopied materials from outside collections must be relied upon to supplement the microfilmed material.

Several states, including Texas, Washington, and Arkansas, have provided full-time attorneys and staff at major institutions and paraprofessional aides at others to provide direct legal counsel to inmates. These states have also provided law libraries for the use of inmates and their attorneys. Student legal aid programs have been developed in numerous areas. These have been varied in their structure and in their usefulness. The adequacy of some of these student programs has been challenged in the courts.

Minnesota, Georgia and Kansas have entered into a tri-state consortium to study inmate legal needs and to develop a more efficient means for utilizing law students in legal aid programs. The program is coordinated by full-time lawyers who work with law professors to supervise carefully screened law students. Each of the states has a student practice rule which permits approved third-year law students to appear in court under the supervision of licensed attorneys. Each state also has a sufficient number of lawyers and law students and adequate facilities to do needed research.

In each of the three states an initial screening of civil and criminal prisoners for legal problems takes place upon entrance into the correctional system. There is a "follow through" on those problems referred to other agencies. Requests for legal advice are handled within thirty days of request. Emergency requests are handled as soon as possible.

Delay in the provision of service, the most serious drawback in student legal assistance programs, has been avoided. The final legal advice to any prisoner is given by a professional lawyer.

Research tasks have been assigned to each state. Kansas is conducting a "follow through" program of legal assistance during parole to see if it affects recidivism rates. Minnesota is analyzing inmate grievances and inmate legal problems, including a study of the relationship of types of problems to types of prisoners. Georgia has twelve institutions for males which can provide a comparative study of problems and results in minimum and maximum security institutions.

Planners for the Tri-State program hoped that it would reduce the number of pro se petitions, those filed by persons representing themselves. One of the major factors in the clogging of the court system is the number of pro se collateral attacks filed by indigent and usually unskilled inmates. Earlier inmate assistance programs in Minnesota revealed that more than 90% of inmate grievances relating to trial or sentence were without valid grounds. Explanations and counseling solved more than 75% of the non-meritious cases at the lawyer-client level. A furthur hope is that the program will be an effective means of reducing inmate unrest and violence. A by-product of counseling is the amount of non-privileged information available to the administration concerning grievances of the inmate population. Planners believed that with early intervention, much aggravation could be avoided and in many instances, legitimate problems might be solved, thus reducing court litigation.

Most institutions utilize inmate legal clerks, although few institutions have recognized the position as a vocational training slot with potential for future employment.

At the State Prison at Graterford, Pennsylvania, inmates have organized an inmate Legal Advisory Council which works with professional attorneys and is under the supervision of a correctional officer. Legal problems brought to it by inmates are discussed and studied in a group; particular cases are then assigned to specialists. The emphasis has been upon developing a group in which a relatively permanent body of information can be retained despite the loss of any one member.

A similar program is in operation at Attica, New York, where inmates who were trained initially by representatives of West Publishing Company operate a legal clinic under the supervision of a corrections officer. Members of the clinic also conduct training sessions for other inmates. Law school students and faculty from State University of New York at Buffalo School of Law provide support for the program.

The California plan, as approved by the court, has been incorporated into the Department of Corrections' Library Manual as Section LI-XIII-00; it appears as Appendix C in this report. In addition to placing

uniform collections in all 12 California correctional institutions, copy machines have been added at major facilities. A workshop to instruct library staff in the use of the materials was conducted by the State Law Library.

Because the Younger v. Gilmore decision was the result of a class action suit brought by state inmates against a state correctional agency, the Federal Supreme Court decision applies directly to other state correctional agencies but is less clear in its application to institutions operated by the Federal Bureau of Prisons. For this reason, the ACA questionnaire circulated in preparation for the 1972 Seminar on Legal Reference Materials for Offenders, did not gather information on the law library needs and resources in Federal Bureau of Prison's (FBP) institutions. Policies of the FBP have been affected by the principles defined in Younger v. Gilmore, however, and Bureau policy on the provision of adequate access to legal reference materials or adequate legal counsel is in transition.

The Federal Bureau of Prisons has relied upon law student legal aid programs providing legal counsel to indigent inmates as an alternative to the provision of adequate access to legal reference materials. According to testimony given by Mr. Norman Carlson, Director of the Federal Bureau of Prisons, before a House Sub-committee on Appropriations, student legal aid programs were seen as an acceptable alternative to the practice followed in many institutions of allowing inmates to assist one another with their legal work.[6] Under an earlier Federal Supreme Court decision [Johnson v. Avery, 393 U.S. 483, (1969)] it was ruled that in the absence of legal counsel, indigent inmates must be allowed to assist each other with the preparation of their appeals to the court. This practice of "jail house lawyering" has been seen in the past as inviting the exploitation of one inmate by another.

Funds for law student programs in Federal institutions had been derived largely from private foundations, the National Legal Aid and Defenders Association, and agencies of the Federal War on Poverty Program which are no longer functioning. At the budget hearings, the Bureau of Prisons sought $50,000 to continue student legal aid programs through 1973. These programs can be an effective means of providing legal assistance. Where adequate supervision is given and where standards of performance are met, they have made outstanding contributions in many state as well as in Federal institutions. They have assisted with all types of inmate legal problems in both criminal and civil law. These include sentence correction, appeal of a conviction, divorce, parole questions of eligibility or revocation, and the disposition of outstanding detainers from other jurisdictions. An important advantage of sufficient merit, thereby reducing the number of frivolous suits filed with the court; however, if meritorious as well as frivolous suits are screened out, the student programs are serving as barriers to the court rather than a means of providing equal access for the confined poor.

A suit brought by an inmate in the Federal Penitentiary at Atlanta charged that there was an 18 month delay between his application for legal assistance and the assignment of a student to assist him. [Williams v. U.S. Department of Justice, Bureau of Prisons, 433 F. 2d 958 (C.A. Ga. 1970)] The court ruled that such a delay is an unreasonable length of time for a prisoner to wait to file a petition for post conviction relief and remanded the prisoner's habeas corpus proceeding to the district court to determine if such a delay did, in fact, exist. A document prepared by the Federal Bureau of Prisons and presented to the House Sub-committee on Appropriations indicates that such delays may be common. Data from the Federal Bureau of Prisons document are reproduced as Table 1, page 14. Institutions are listed where student legal aid programs are in operation. The number of inmate requests for assistance made during various time spans, is given with the number of cases which were actually prepared and filed in court. Information is not given for the number of cases filed which were successful.

The record of cases brought to court by student legal aid programs at Danbury, Leavenworth, and Terre Haute bear out earlier statistics which found that one in four inmate cases had merit. When the same ratio is applied to student legal aid programs in the remaining federal institutions, it indicates an unsatisfactory level of service.

In the past year the Bureau has increased efforts to provide legal reference materials in federal institutions. An earlier policy statement has been revised. The present Federal Bureau of Prison's Policy Statement 2001. 2B dated May 5, 1972 states:

" 4. PROVISIONS FOR LEGAL RESEARCH MATERIALS.

a. In the fall of 1971, the United States Supreme Court found the California Department of Corrections inmate library regulations, which were similar to the Bureau of Prisons, to be deficient in that they deprived the indigent inmate of an opportunity to consult basic legal reference in preparation of legal actions. Therefore, we are expanding the content of libraries, and revising the methods of acquisition of the legal materials as well as the receipt and handling of these materials within the institutions.

b. In order to provide uniformity and meaningful resource materials consistent with the needs of each institution we will acquire the following for each institution:

1) Unites States Code Annotated

a. Title 18 - all volumes (Criminal Code and Criminal Procedures)
b. Title 28 - Sections 2241 to end (Habeas Corpus and Motions to Vacate Sentences)

Table 1:

Requests for Legal Assistance and Cases Brought to Court by Student Legal Aid Programs in Federal Prisons During 1971

Institutions	No. of Requests Annual f/y 1971 (except where indicated)	No. of Cases Filed in Courts
Terminal Island	35	0
Texarkana	240 (2 years)	14
Alderson	245	7
El Reno	145	6
Danbury	341 (18 months)	103
Lompoc	18	1
Leavenworth	167	40
Lewisburg	2	0
Englewood	120	0
Milan	150 (2 years)	10
Terre Haute	100	20
McNeil	215	11
Sandstone	150	10
Tallahassee	471 (2 years)	12

c. Title 28 - Volumes containing Supreme Court Rules, Federal Rules of Appellate Procedures, and U.S. Court of Appeals Rules
d. Federal Rules of Civil Procedures (in pamphlet form)
e. Title 21 - (Food and Drug)
f. Title 26 - Sections 4001 to end (Narcotic Offenses)
g. Title 42 - Sections 1975 - 2010
h. U.S. Constitution, Amendment 1 to end

2) Black's Law Dictionary

3) United States Law Week (Bureau of National Affairs)

4) Criminal Law Reporter (Bureau of National Affairs)

5) Hall and Kamisar, Modern Criminal Procedure

6) Bureau of Prisons Policy Statements of interest to inmates to be maintained in notebook form.

c. In each adult institution we intend to acquire in addition to the above the current issues of:

1) United States Supreme Court Reports

2) Federal Reporter Second

3) Federal Supplement

d. The Central Office Librarian will acquire and distribute the basic law library materials to each institution. Previously acquired materials should be retained, and inmate-donated books and materials may be added to the collection. In case there is a question as to the acceptance of a particular volume, the Office of General Counsel should be consulted."

Materials required for Federal Correctional institutions are fewer than those required in state institutions where both federal and state materials are needed. Even so, the FBP list is less extensive than that prepared by AALL for federal institutions and includes neither back volumes of court reports nor the Shepards citators FBP lists, however, it does include the United State Law Week, which the AALL list does not.

This policy statement developed by the Bureau's central office is intended to provide guidelines for the development of policy at each individual institution. Institutional policy statements are then submitted to the central office for review and approval. It is unclear how much control the central office has toward implementing such statements of policy. Visits made to federal institutions one year later during the course of the ILR study of correctional library and information problems revealed uneven quality in the legal collections available. At the Federal Detention Center in New York City, where space is severely

limited, only the U.S. Code was provided to inmates. Inmates and staff in Federal Bureau of Prison's institutions did not express the degree of satisfaction with the legal materials available that was found in Washington State, California or New York. Few persons believed that the legal reference materials provided by the Bureau enabled inmates to adequately research and prepare petitions to the court.

A more extensive discussion of opinions and observations expressed in interviews by inmates and staff members concerning the impact of the Younger v. Gilmore decision in library service in correctional institutions is included in Volume I. of this report. Bibliographic citations covering the provision of legal reference materials to prisoners are included in the Bibliography, Volume IV.

II. PROCEDURE AND DATA ANALYSIS

A. COLLECTION OF DATA

Following the approval of grant funds for the ACA/ILR Seminar on Legal Reference Materials for Offenders, efforts were made to gather background information for the seminar. It was soon evident that data was not available which would provide a nationwide overview or which would describe responses made in various states to the court mandate.

A questionnaire on the availability of legal reference materials to prisoners in state adult correctional institutions was prepared by the ACA Subcommittee on Legal Reference Materials and was sent by ACA to institutional consultants in each state library. In some states sufficient information was available at state librareis for questionnaires to be answered and returned directly. In others, copies of the questionnaire were forwarded to individual institutions to be returned by them to ACA. The scheduled date for the seminar did not allow sufficient time for extensive information gathering within each state. In spite of this, 38 states and The District of Columbia replied. A copy of the questionnaire is given in Appendix D. The resulting data proved to be of value to seminar participants and aided significantly in seminar deliberations. It was recognized that the data would be of similar usefulness to others.

Following the seminar, an interim report with tabulated answers to the questionnaire was returned to state consultants for their review and update; this included a renewed request for information. Five more states submitted data. Following the second mailing, no further attempt was made to encourage replies from additional states or institutions. Information for California institututions was not gathered by means of the ACA questionnaire, but drawn from the Library Manual of the California Department of Corrections and from a report by Frank Hirsch,[7] a student at the School of Librarianship at the University of California. During has study of correctional libraries Mr. Hirsch visited more than half the institutions operated by the Department. For convenience in discussing the data, California has been included with the responding states, bringing the total to 45.

In January 1974, the staff of ILR corresponded and consulted by telephone with each state library institutional consultant as a means of preparing state by state profiles of overall correctional library programs and services. These profiles appear as Volume III of this report. During the telephone survey, information on recent developments in the provision of legal reference materials was gathered. These data have been tabulated to provide a comparison with 1973 tabulations. The more recent data have also been incorporated, along with extraneous information submitted with the 1973 questionnaires, and with data from a wide variety of additional sources, to provide brief descriptions of the efforts which have been made in individual states to meet the mandate of

Table 2: Summary of Responses to Questions 1, 2, 3

1. Is there a law collection in the institution? yes - no

2. If so: How many volumes are in the law collection? (If list of titles is available, please attach.)

3a. Is the law collection located in the main room of the inmates' library? yes - no

3b. Is it in a separate room of the inmates' library? yes - no

3c. Is it in another location? (Describe)

	# of Inst.	1. Available on site material		2. Quality				3. Location			
		YES	NO	Working Library	Law Library	Accumulation	N/A	Main Library	Adjacent Room	Admin. Office	Other
1. Alabama	8		8								
2. Alaska	6		6		1						
3. Arizona											
4. Arkansas	2	2		2							2
5. California	13	13		13					varies		
6. Colorado	2	2						2			2
7. Connecticut	10	10			10				varies		
8. Delaware	4	2	2			2		2			
9. District of Columbia	5	4	1				5	1	3		
10. Florida	9	9				9		3	2	2	2
11. Georgia	3	1	2		1			1			
12. Hawaii	1	1			1			1			
13. Idaho	1	1				1		1			

Table 2 (Continued)

	# of Inst.	1. Available on site material		2. Quality				3. Location			
		YES	NO	Working Library	Law Library	Accumulation	N/A	Main Library	Adjacent Room	Admin. Office	Other
14. Illinois	7	7				7		3	2	1	1
15. Indiana	4		4								
16. Iowa	3	2	1			2		1	1		
17. Kansas	3	3				3		2		1	
18. Kentucky	3	3			3			1	2		
19. Louisiana	1	1			1				1		
20. Maine	1	1					1	1			
21. Maryland											
22. Massachusetts	5	4	1		1	3		3		1	
23. Michigan	5	4	1		1	3		1	2		1
24. Minnesota	3	3			1	1		2		1	
25. Mississippi	1		1				1			1	
26. Missouri	7	2	5		2			2			
27. Montana	1	1			1			1			
28. Nebraska	1	1								1	
29. Nevada											

Table 2 (Continued)

	# of Inst.	1. Available on site material		2. Quality				3. Location			
		YES	NO	Working Library	Law Library	Accumulation	N/A	Main Library	Adjacent Room	Admin. Office	Other
30. New Hampshire	1	1				1		1			
31. New Jersey	3	3			1	2				1	2
32. New Mexico	1	1			1			1/2		1/2	
33. New York	7	7		7					varies		
34. North Carolina											
35. North Dakota	1		1								
36. Ohio	6	6		1	5			3	1		2
37. Oklahoma											
38. Oregon	2		2								
39. Pennsylvania	8	8				8			varies		
40. Rhode Island	2	2				2		1			
41. South Carolina	1	1				1		1			
42. South Dakota											
43. Tennessee	5	4	1			4		4			
44. Texas	14	13	1	13							13
45. Utah	1	1				1		1			

Table 2 (Continued)

	# of Inst.	1. Available on site material		2. Quality				3. Location			
		YES	NO	Working Library	Law Library	Accumulation	N/A	Main Library	Adjacent Room	Admin. Office	Other
46. Vermont	1	1			1			1			
47. Virginia	1	1			1			1			
48. Washington	4	4		4				2	1		1
49. West Virginia	2	1	1		1			1			
50. Wisconsin	4	4			4			2	1		1
51. Wyoming	1	1					1			1	

the court established in the 1971 Younger vs. Gilmore decision.

B. RESPONDING INSTITUTIONS

Information was compiled for 174 responding institutions. This did not represent all adult state-administered correctional institutions in each of the 45 responding states. Where questionnaires were forwarded to individual institutions, not all institutions replied. In most cases, the data were tabulated as received, but in several instances clarification was necessary. The lack of a definition in the questionnaire for the term "institution" led some states to include data for juvenile institutions and adult work and honor camps while other states did not. Variations in institution design also made interpretation difficult. An institutional complex with a combination of separate maximum and minimum security facilities, a main institution and adjacent camp, separate facilities for men and women, or separate facilities for adults and juveniles were, in some instances, given as one institution and in others, given as several. Because the purpose of the survey was to identify legal reference needs and resources in the light of the present court mandate and because the application of the Younger vs. Gilmore decision to juvenile institutions has not been clarified by the courts, data submitted for juvenile institutions were not tabulated. Honor and work camps of less than 50 adult men were also omitted. These small facilities are most often for those inmates preparing for imminent release; many states reported that inmates in these camps requesting the use of legal reference materials were transferred to an institution with a law collection.

Subsidiary minimum security, farm or camp facilities of a larger institution were not counted separately, because resources of the main institution could be shared. Frequently reception and diagnostic facilities for new inmates within larger institutions are not able to share legal reference resources, but it was not always possible to identify these facilities, so they were tabulated as received. Where a women's facility was housed in a larger men's institution, the women's facility was tabulated as a separate institution. Even where there is a common administrator, the sharing of resources does not occur between men's and women's facilities that takes place between two comparable facilities for men. Unless there is a relaxation of regulations prevalent in correctional institutions today, separate provisions would be necessary to provide women with access to legal reference materials or to legal counsel.

The 1972 Directory of Juvenile and Adult Correctional Institutions and Agencies published by ACA[8] lists 265 state administered adult correctional institutions which fall within the above guidelines for determining the applicability of the Younger vs. Gilmore decision. The 174 responding institutions from a possible 265 roughly approximates a sampling of two-thirds of the state administered correctional institutions which were directly affected by the 1972 Federal Supreme Court Mandate

to provide inmates in their custody with adequate access to legal reference materials or with adequate legal counsel.

C. DATA ANALYSIS

Question 1: "Is there a law collection in the institution?

Yes _____ or No _____". Tabulations are in Table 2.

In the 45 states represented, 136 responding institutions reported on-site legal collections; 38 responding institutions reported that there were no on-site legal materials available to inmates. Because the tendency was to submit data for institutions where there was a law collection to report, the 3 to 1 ratio of "yes" answers from reporting institutions cannot be projected upon the 91 institutions which did not report. All 45 reporting states included data for large state prison; all did not submit data for medium or minimum security institutions or for smaller facilities. Major efforts to provide legal materials have been focused upon large, long-term, maximum security state prisons for men where inmate interest in legal self-representation has been more highly developed. State penitentiaries and prisons without on-site legal collections were reported only in those states which did not provide legal materials to any institution.

Men's honor facilities and women's institutions were those least likely to be provided with legal reference materials. Only 12 of the 45 reporting states provided law materials to women's institutions; 9 states reported that they did not. The largest number of states (18 of the 45) did not include data for women's institutions, but reported only on institutions for men. The 5 remaining states do not maintain a facility for women, but contract for their care with larger out-of-state institutions. Letters accompanying the returned questionnaires revealed a widely held view that women inmates are uninterested in legal reference materials. Tabulations indicate that this view is self-reinforcing and that apparent uninterest among women may stem from lack of awareness and opportunity rather than from an absence of need or capability to use the materials. The State Penitentiary in North Dakota, which does not provide a law collection to male inmates, reported that there was little interest within their inmate population for legal reference materials or services. In Massachusetts, at the Framingham Correctional Institution for Women, where inmates have had access to a minimal on-site collection and to the State Law Library collection through inter-library loan, the annual rate of use of legal reference materials was reported to be 10% of the inmate population. The Framingham librarian was able to provide a clear definition of the legal reference needs of the women. These were: "Federal laws for federal prisoners, laws on drugs, and on the custody of children, i.e., the adoption of children without their mother's consent."

The comparatively few women who have become competent "jail house

lawyers" may indicate a need for instruction and assistance rather than demonstrate feminine uninterest. In comparison to men, the number of women confined in correctional institutions is small and the range of vocational backgrounds they represent is limited. There is less likelihood that a woman inmate will have previously acquired legal expertise which can be shared with her fellow prisoners. At the women's institution at Bedford Hills, New York, an adequate legal collection and copy machine have been provided for women inmates. The inmate law clerk assigned to supervise the collection had acquired rudimentary knowledge of legal procedure while employed in the "free world" as a legal secretary. Under these circumstances, a degree of competency and interest in self-representation for the solution of civil and criminal legal problems has developed among women that is similar to that found in men's institutions.

Question 2: "How many volumes are in the law collection? If a list of titles is available, please attach." Tabulations for Question 2 are in Table 2.

Few institutions were able to provide a numerical volume count. Many respondents sent lists of complete legal holdings; others sent partial lists. In analyzing the data, it was apparent that currentness and appropriateness of collections were more relevent to their intended use than was collection size. In order to convey an idea of the quality of holdings, a scheme for categorizing collections was developed. Lists which approximated AALL recommended materials published in the ACA Guidelines were designated "Law Libraries."[9] These collections included: a) back volumes and current subscriptions to federal and state court reports, b) federal and state constitutions, codes, statutes, procedural rules, and practice treatises, c) current subscriptions and back issues of legal periodicals, d) appropriate digests and indexes. No distinction was made between AALL minimum and expanded collections. The information received from respondents was often insufficient to make this determination.

Those collections which were more limited than AALL minimum collections but which met the following criteria were designated as "Collections:" a) purposeful selection of materials, b) supervision by a person with continuing responsibility, c) a continuing source of funds for acquisition, replacement, maintenance and updating. All other lists of materials were designated as "Accumulations." More detailed descriptions of legal reference collections are given in the state by state descriptions in Section E which follow.

Of the 274 responding institutions, only 43 met AALL/ACA guidelines and provided inmates with law collections of sufficient scope, currentness, and chronological depth to be reasonably expected to meet future court definitions of "adequate." Unless the remaining 222 institutions and facilities affected by the Younger vs. Gilmore decision have improved legal collections since 1973, or have provided legal counsel to indigent inmates, they are in violation of the law and could

not expect to withstand a challenge in the courts.

Question 3: "a) Is the law collection located in the main room of the inmates library? Yes _____ No _____. b) Is it in a separate room of the inmates library? Yes _____ No _____. c) Is it in another location? (Describe) _____." Tabulations are in Table 2.

42 legal reference collections were housed in main library areas, 16 in rooms adjacent to the main library, 10 in administrative offices, and 29 in locations separate from both library and administrative offices.

Several relationships were observed between the size and quality of collections and their location. In general, very small collections tended to be housed in the warden's or superintendent's office. Frequently these collections consisted of a single whole or partial set of the state code or state statutes. Larger collections tended to be housed in main library areas; still larger collections were in rooms adjacent to the main library. The most complete collections were frequently located apart from the main library area in "writ rooms." In addition to law books, writ rooms often provided clerical supplies and typewriters for the exclusive use of inmates doing legal work.

Law collections in large state prisons tended to be housed apart from main libraries, either in adjacent or separated writ rooms. Law collections which were incorporated into main libraries tended to be those in smaller medium security institutions and in major maximum security prisons in smaller states. Among the 45 responding states, only 4 did not follow this pattern. In California, large state prisons at San Quentin (pop. 2,883) and Folson (pop. 1,933) housed extensive law collections in main library areas. This was also true at Starke, Florida (pop. not available), Raiford, Florida (pop. 3,461), Reidsville, Georgia (pop. 2,400, and at Jefferson City, Missouri (pop. 1,600). Ten additional maximum security state prisons reported law collections which were integrated into main library collections, but these institutions were small in size and housed less than 900 inmates each. These were the state prisons in Hawaii, Idaho, Maine, Minnesota, Montana, New Hampshire, Utah, Vermont, and West Virginia.

The states of Arkansas, Texas, and Washington have provided both adequate law libraries and staff attorneys to serve as legal counsels for inmate populations. Of the 19 institutions in these states which are subject to the court mandate, 16 housed law collections in separate areas away from main libraries. Because these collections were separated and supervised by attorneys rather than by librarians, it could be expected that law office use rather than law library use would be emphasized. Nevertheless, none of the 16 institutions reported that the use of these collections was denied or limited for inmates doing individual research for pro se litigation.

Because law collections at major maximum security facilities within each state are generally the largest provided to any state

correctional institution, we can conclude from the number of separate locations in these major institutions that as efforts are made to expand and develop law library programs, there are similar efforts made to separate the facilities housing general and law library collections and services. This pattern follows the evolution of separate public library and law library facilities in outside communities and indicate a preference which should be considered in planning law library programs.

Question 4: "a) Who is responsible for supervision of the law collection? librarian _____ inmate _____ other (who) _____. b) How many assistants service the law collection? librarians _____ other staff members _____ inmates _____." Tabulations are in Table 3.

Law collections in 3 states (Arkansas, Texas, and Washington) were supervised by attorneys. In each of these states, staff positions have been created for legal counselors for inmates. Attorneys may serve inmates in more than one institution. The ratio of attorneys to inmates in each of these states is given below. Inmate population figures were taken from the 1972 ACA Directory of Correctional Institutions and Agencies.[9]

Arkansas - 1 attorney for 3 institutions or per 1,447 inmates
Texas - 13 attorneys for 16 institutions or per 1,089 inmates
Washington - 3 attorneys for 4 institutions or per 980 inmates

In Arkansas the services of a full-time attorney and para-professional legal aide are divided among three institutions: Arkansas State Penitentiary (1,100 men), Tucker Intermediate Reformatory (450 men) and the Arkansas Reformatory for Women (42 women). At the two larger institutions where law collections are housed, inmates assist as librarians and law clerks.

In Texas, an effort to provide inmates with adequate legal counsel was made in response to a Federal Supreme Court decision which preceded Younger vs. Gilmore. A 1969 decision [Johnson vs. Avery, 393 U.S. 483 (1969)] established the right of indigent inmates to consult more knowledgeable inmates in legal matters unless adequate legal counsel was provided. As a consequence, most states relaxed restrictions against the operations of "jail house lawyers." The Texas Department of Corrections chose the alternative course and initiated a program to provide professional attorneys to serve the inmate population. Subsequent law suits challenging the adequacy of the Texas legal counseling program have forced a continuing effort to upgrade the quality and availability of professional legal assistance for Texas inmates. In 1973, 10 attorneys and 13 legal collections serving 13 institutions were reported; by 1974 13 attorneys and 16 legal collections serving 16 institutions were reported. At each Texas institution, correctional officers serve as co-supervisors for law collections. Information was not provided for the number of law school students and inmate clerks assisting in the program.

Table 3: Summary of Responses to Questions 4, 5

4a. Who is responsible for supervision of the law collection? librarian - inmate - other (who)

4b. How many assistants service the law collection? librarians - other staff - members - inmates

5. Are legal materials available to all inmates? yes - no If not, what inmates do not have access?

	4. Person in Charge						Assistants		5. Availability	
	Attorney	Librarian	Correct-tions Officer	Inmate	Admin. Staff	Teacher	Staff	Inmates	To All	Not to All
1. Alabama										
2. Alaska				5	2				7	
3. Arizona			1		2			1	2	
4. Arkansas	2						1	2	1	1
5. California		5				6			12	
6. Colorado			2					2	2	
7. Connecticut		1		9				10	10	
8. Delaware			1			1		2	2	2
9. District of Columbia			3	1						
10. Florida		6	2					8	8	
11. Georgia		1						1	1	
12. Hawaii		1		1				1	1	
13. Idaho				1					1	
14. Illinois		1	1	2		3		1	6	1
15. Indiana										
16. Iowa		2						2	2	

Table 3 (Continued)

	4. Person in Charge					Assistants		5. Availability		
	Attorney	Librarian	Corrections Officer	Inmate	Admin. Staff	Teacher	Staff	Inmates	To All	Not to All
17. Kansas		2		1			1	1	3	
18. Kentucky										
19. Louisiana		1						1		1
20. Maine		1							1	
21. Maryland										
22. Massachusetts		2				2		1	4	
23. Michigan		2	1			1		1	4	
24. Minnesota		1			1	1		1	3	
25. Mississippi			1						1	
26. Missouri		2		1					3	
27. Montana		1						1	1	
28. Nebraska		1		1	1			1	2	
29. Nevada										
30. New Hampshire				1					1	
31. New Jersey				2		1		2	2	1
32. New Mexico					1				1	

Table 3 (Continued)

	4. Person in Charge						Assistants	5. Availability	
	Attorney	Librarian	Corrections Officer	Inmate	Admin. Staff	Teacher	Staff	Inmates	To All	Not to All
33. New York		1	3	9				9	13	
34. North Carolina										
35. North Dakota										
36. Ohio		2	1		3			6	5	1
37. Oklahoma										
38. Oregon										
39. Pennsylvania				8				8	8	
40. Rhode Island				2				2	2	
41. South Carolina		1						1	1	
42. South Dakota										
43. Tennessee		1		3					3	1
44. Texas	10		13							
45. Utah		1						1	1	
46. Vermont		1							1	
47. Virginia			1						1	
48. Washington	3	1						4	4	
49. West Virginia				1				1	1	
50. Wisconsin		3	1					1	4	
51. Wyoming					1					1

Civil libertarians have expressed concern that an attorney in the employ of a correctional department would have conflicting interests in cases initiated by inmates against the department there by cutting prisoners off from the protection of the court in matters of personal injury or a violation of rights. This issue has not been resolved, but the impact of court cases upon the expansion of the Texas legal counseling program would indicate that inmate causes challenging correctional authorities are not significantly blocked from the courts by the presence of staff attorneys. In Washington, attorneys serving inmate populations are employed by the State Attorney General's Office rather than by the Department of Corrections; thus the problem of conflicting interests is reduced but not eliminated. Washington's staff attorneys serve as ombudsmen for inmate grievances to a degree which would not be possible if they were employed by the Department of Corrections; many inmate-departmental conflicts are resolved outside of courtroom procedures. However, if such conflicts were to culminate in legal proceedings, the Attorney General's Office would be in the position of representing both parties.

Law collections in 41 institutions were under the supervision of a librarian. A distinction was not made between professional librarians with an advanced Degree in Librarianship and para-professionals. Where data received allowed the distinction among teachers, correctional officers, and inmates serving as librarians, these were listed separately. The 41 librarians tabulated can be considered to be free personnel with a variety of professional competencies who have full time assignments to the general library and supervisory responsibility for the law collection.

Only Arkansas and Kansas reported staff members serving as assistant librarians for law collections. In Arkansas a para-professional legal aide served in this capacity. In Kansas, a law collection consisting of a set of state statutes housed in the Records Office was reported to be supervised by the Assistant Records Officer with the assistance of a second staff member. It can be assumed that the staff member designated as an assistant may be more accurately described as sharing the responsibility for the small collection.

72 institutions used inmate help in maintaining law collections and in providing support services (i.e., typing, preparing forms), or assisting with the use of the material. The number of inmate assistants serving at individual institutions has not been tabulated; an insufficient number of respondents submitted this data. Observations and discussions with institutional librarians during the course of the ILR study indicated that other factors were more relevant to the quality of an inmate law library staff than the number of inmate clerks. These were: a) a method of selecting clerks which allows the librarian or staff member working directly with inmate crews to select the most qualified candidates from among those inmates applying for the position; b) a rate of pay comparable to other inmate jobs requiring the same degree of skills and responsibilities; d) participation of

inmate clerks in decision making and planning for law library programs; e) development of overlapping skills among the staff that will cushion the loss of any one crew member; f) frequent contact with attorneys and trained law librarians; g) development of the law library clerk's position to its full potential as an educational or job training experience.

Question 5: "Are materials available to all inmates? Yes _____ No _____. If not, what inmates do not have access?" Tabulations are in Table 3.

137 institutions reported that legal reference materials were available to all inmates within the institution. Only 8 institutions reported some inmates without access. Those inmates described as not having access were as follows:

Delaware - inmates in pretrial detention, in maximum security areas, and in segregation
Illinois - inmates in isolation
Louisiana - inmates in cell blocks, out-camps, and receiving units
New Jersey - inmates in administrative segregation
Tennessee - inmates in disciplinary building
Wyoming - inmates not granted permission by the warden

Missouri followed an affirmative answer with the clarification that all inmates had access to materials through the personal purchase of their own legal reference works.

From the information received from the questionnaires alone, it is not possible to determine whether negative responses resulted from more restrictive practices in these 8 institutions or from more thoughtful replies. The author's observations during the course of this study supports the latter supposition. It was observed that there was more limited access to legal reference materials for inmates in segregated areas than questionnaire replies indicate. Few institutions brought inmates to the library or writ room from disciplinary isolation, reception and diagnostic units, infirmaries, honor dormitories, or other segregated areas. Staff members frequently stated that legal reference materials would be provided to inmates in these areas on request, but such access tools as indexes, digests, and guides to periodical literature, which are necessary to make a selection and fill out a request application, were not provided to segregated inmates. Without access tools, request systems are meaningless. It was observed during visits to correctional institutions that where on-site legal reference collections had been provided for main line populations, there were frequently inmates within each institution that did not have adequate access to these collections.

Question 6a: "Are inmates required to use legal reference books in the library or in the room where the law collection is located?

Yes _____ No _____." Tabulations are in Table 4.

107 institutions reported that law library materials were required to be used in the library proper. Twenty institutions reported that materials could be checked out overnight by the main line population. Connecticut allowed materials to be checked out for 48 hours. Four other states made such qualifications as "limited overnight use." Tennessee's qualifying statement was specific: "Only inmates in isolation cells could use materials overnight." 15 institutions allowed legal reference materials to be circulated as other library materials and checked out for normal check out periods. These 15 institutions had accumulates of legal reference materials rather than well planned collections. Of the states which had invested time and effort in providing adequate legal reference collections, Texas was the most liberal in checkout policies and allowed overnight use of newly acquired materials to main line populations.

Question 6b: "Are copying services available in the institution so that inmates may have copies of legal references? Yes _____. No _____." Tabulations are in Table 4.

A total of 23 institutions in 13 states had provided copy machines for inmate use in either libraries or writ rooms. An additional 34 institutions in 10 states utilized copy machines located elsewhere in the institution to provide copying services to inmates.

The use of copying machines greatly expands the usefulness of legal reference materials and reduces the rate of book loss and book damage. With the exception of explanatory texts, most legal reference works are collections of small, separate units bound under one cover, ie. statutes, reports. The library's capability to reproduce units quickly and economically extends the usefulness of each volume to a larger number of users. This same format, however, invites the removal of pages from heavily used volumes. Without copy machines, law libraries in the outside world have difficulty protecting materials from students and professional attorneys doing routine research. Materials in prison law collections receive exceptionally heavy use from a clientele under intense pressure from personal anxieties. Under these circumstances vandalism is increased and the need for a copy machine is intensified.

Prior to the Gilmore vs. Lynch decision, a legal collection was set aside by the California State Law Library for interlibrary loan circulation through state correctional institutions. The collection was to serve nearly 30,000 inmates. The time lapse between request and delivery was frequently as long as six months. The collection was so vandalized and decimated that the three judge panel deciding Gilmore vs. Lynch characterized it as useless. If there had been the capability to circulate copied rather than original materials, the collection could possibly have given adequate service. Initial costs and operating expenses for copying machines compare favorably with

Table 4: Summary of Responses to Questions 6a, 6b

6a. Are inmates required to use the legal reference books in the library or in the room where the law collection is located? yes - no

6b. Are copying services available in the institution so inmates may have copies of legal references? yes - no

	6a. How Used			6b. Availability of In-House Copying Services		
	Library Only	Overnight Checkout	Normal Checkout	YES In Library	YES Elsewhere	NO
1. Alabama	1					
2. Alaska	7					7
3. Arizona						
4. Arkansas	2			2		
5. California	12			2		10
6. Colorado	1	for 48 hours			1	1
7. Connecticut	10					10
8. Delaware	2					2
9. District of Columbia	4			4		
10. Florida	6	one	1		2	6
11. Georgia						
12. Hawaii			1			1
13. Idaho	1			1		
14. Illinois	6	limited	1	1	1	4
15. Indiana						
16. Iowa	1		1	2		

Table 4 (Continued)

	6a. How Used			6b. Availabiliy of In-House Copying Services		
	Library Only	Overnight Checkout	Normal Checkout	YES In Library	YES Elsewhere	NO
17. Kansas	2		1			3
18. Kentucky	2	limited				3
19. Louisiana	1					1
20. Maine		1		1		
21. Maryland						
22. Massachusetts	3		1		1	3
23. Michigan	3		1	1		2
24. Minnesota			3	2		1
25. Mississippi	1					1
26. Missouri	5					7
27. Montana		1				1
28. Nebraska			1			1
29. Nevada						
30. New Hampshire		1				1
31. New Jersey	3		1		2	2
32. New Mexico	1					1
33. New York	13				11	2
34. North Carolina						
35. North Dakota						

Table 4 (Continued)

	6a. How Used			6b. Availability of In-House Copying Services		
	Library Only	Overnight Checkout	Normal Checkout	YES In Library	YES Elsewhere	NO
36. Ohio	6			2	1	3
37. Oklahoma						
38. Oregon						
39. Pennsylvania	varies					8
40. Rhode Island	1		1			1
41. South Carolina	1					1
42. South Dakota						
43. Tennessee	3	isolation only	1		limited 1	3
44. Texas		13			13	
45. Utah	1				1	
46. Vermont			1			1
47. Virginia	1					1
48. Washington	4			1		3
49. West Virginia	1			2		
50. Wisconsin	1	3		2		2
51. Wyoming	1					1

replacement costs for expensive legal reference materials. Unresolved questions surrounding copyright issues do not yet allow libraries to develop the full potential of copying services to meet legal reference needs. Under the "fair use concept" which presently serves as a guide for library use of photocopied materials, single copies of original materials may be made as often as needed. Multiple copies and copies of copies are not allowed.

Question 7: "Are legal reference materials available on interlibrary loan? Yes _____ No _____. If yes, identify sources." Tabulations are in Table 5.

94 institutions in 27 states reported that legal reference materials were available on interlibrary loan; 65 institutions in 20 states reported that they were not available. It was expected that the availability of interlibrary-loan services would reflect state policies and the overall development of state interlibrary-loan networks. To some extent, this was true. Responses from institutions were uniform within 31 responding states. Divided responses were received from institutions in 8 states indicating that factors other than statewide policies and resources determine the availability of interlibrary loan services. A major factor would appear to be the willingness and expertise of institutional librarians to exploit avenues of interlibrary loan services. Single institutions in Colorado, Iowa, and Ohio had made interlibrary loan arrangements with nearby university law libraries or local library systems. In Illinois, Kansas, Michigan, Tennessee, and Wisconsin, state law library resources and state university law library resources which were used by several institutions within each state, were apparently unknown to librarians in other institutions. The concept of interlibrary loan services was rejected by at least one librarian who stated, "Outside services are not needed." Sources of interlibrary loan services and the number of institutions using them are as follows:

Number of Institutions*	In This Many States	May Borrow Legal Materials From
60	32	State Law Library
21	8	State Library or Commission
20	8	University Law Library
10	6	University Library
3	3	Public Library System
6	3	Bibliographic Center
5	1	County Law Library
7	1	Central Office of Dept. of Corrections

* Or inmates in these institutions

Question 8a: "Are photocopies of materials available from outside sources? Yes _____ No _____. If yes, identify the sources. Are these materials furnished to inmates free of charge?" Tabulations are in Table 5.

132 institutions in 38 states reported that photocopies were

Table 5: Summary of Responses to Questions 7a, 8a

7a. Are legal reference materials available on inter-library loan? yes - no

8a. Are photo-copies of materials available from outside sources? yes - no

	7a. Inter Lib. Loan		8a. Photo-copying Services from Outside			
	Yes	No	Yes	No	Free	Price
1. Alabama						
2. Alaska	7		7		7	
3. Arizona						
4. Arkansas				2		
5. California	12		12		12	
6. Colorado	1	1	1	1	1	10¢ per page
7. Connecticut	10		10			20 pages free- then 10¢ per p.
8. Delaware		4		4		
9. District of Columbia		4	1	3	1	
10. Florida	8		6		5	free from State Library
11. Georgia						
12. Hawaii	1		1	1		10¢ per page
13. Idaho	1		1		1	
14. Illinois	4	3	6	1	6	

Table 5 (Continued)

	7a. Inter Lib. Loan		8a. Photo-copying Services from Outside			
	Yes	No	Yes	No	Free	Price
15. Indiana						
16. Iowa	1	1	1	1	1	
17. Kansas	2	1	1	2	1	
18. Kentucky		3	3		3	
19. Louisiana	1		1			N/A
20. Maine	1		1		1	
21. Maryland						
22. Massachusetts	5		5			10¢ per page
23. Michigan	4	1	4			varies
24. Minnesota	3		3		3	
25. Mississippi	1		1			
26. Missouri		7	7		7	
27. Montana	1		1		1	
28. Nebraska	3		3		3	
29. Nevada						
30. New Hampshire	1		1			10¢ per page
31. New Jersey		2	1	1		10¢ per page
32. New Mexico		1		1		
33. New York	13		13		13	

Table 5 (Continued)

	7a. Inter Lib. Loan		8a. Photo-copying Services from Outside			
	Yes	No	Yes	No	Free	Price
34. North Carolina						
35. North Dakota						
36. Ohio	1	5	2	4	1	varies
37. Oklahoma						
38. Oregon						
39. Pennsylvania	8		8		8	
40. Rhode Island	2		2		2	
41. South Carolina		1	1			depends on size
42. South Dakota						
43. Tennessee	4	1	4	1		10¢ per page
44. Texas		13		13		
45. Utah	1		1		1	
46. Vermont		1	1		1	
47. Virginia		1	1			varies
48. Washington	4		4		4	
49. West Virginia	2		2		2	
50. Wisconsin	5	1	5	1	2	10¢ per page
51. Wyoming		1		1		

Table 6: Summary of Responses to Questions 7b, 8b

7b. If legal reference materials are available on inter-library loan, identify sources: State law library - other

8b. If photo-copies of materials are available from outside sources, identify sources: State law library - other

SUMMARY OF ANSWERS TO 7b AND 8b

7b. Sources of Inter Library Loan Services

Number of Institutions*	In This Many States	May Borrow Legal Materials From:
60	32	State Law Library
21	8	State Library or Commission
20	8	University Law Library
10	6	University Library
3	3	Public Library System
6	3	Bibliographic Center
5	1	County Law Library
7	1	Central Office of Department of Corrections

*Or inmates in these institutions

8b. Outside Sources of Photocopied Materials

Number of Institutions	In This Many States	May Request and Receive Photocopied Materials From:
88	23	State Law Library
7	3	State Library or Commission
32	15	University Law Library

Table 6 (Continued)

Number of Institutions	In This Many States	May Request and Receive Photocopied Materials From:
		University Library
		Public Library System
9	3	Bibliographic Center
1	1	County Law Library
7	1	Central Office of Department of Corrections
3	3	Other

available from sources outside the institution; 37 institutions in 15 states reported that they were not. 10 states did not submit data in response to this question.

The responses received indicate that there are serious information gaps concerning the resources available to prisoners. In 1972 the American Association of Law Libraries (AALL) compiled an extensive list of outside law libraries which would provide mail order photocopying services to prisoners. The list also gave information on such additional services provided as reference, research, or the loan of original materials. It gave mailing addresses for each library, the costs for postage and service fees, and told which libraries served out of state prisoners. Law libraries were listed in 48 of the nations 50 states; 86 of the law libraries listed served prisoners free of cost. Copies of this list were sent by AALL to the Federal Bureau of Prisons and adult departments of corrections in each of the fifty states giving permission for the list to be reproduced and made available to institutional libraries. Although the AALL list was received well in advance of the second ACA questionnarie, many respondents were not cognizant of the information it provided.

The AALL list was later incorporated into the ACA Guidelines for Legal Reference Service in Correctional Institutions published by ACA in March 1973. This later publication did not precede the questionnaire but was well in advance of on-site visits to correctional institutions made by the author in the spring and summer of 1973. These visits revealed that many inmates and institutional librarians still had not seen copies of the AALL list and were not aware of the sources of photocopying services that were available to them and their inmate clientele.

The sources of photocopying services which were cited by respondents are given below with the number of institutions using them. Prices for photocopying services are given in Table 5.

Number of Institutions	In this many states	May receive photocopied materials from
88	23	State Law Library
7	3	State Library
32	15	University Law Library University Library Public Library System
9	3	Bibliographic Center
1	1	County Law Library
7	1	Central Office of Department
3	3	Other

Question 9: "Is the use of the collection frequent? _____ Occasional? _____ Infrequent? _____" Tabulations are in Table 7.

Table 7: Summary of Responses to Questions 9, 10a

9. Is the use of the collection: Frequent? Occasional? Infrequent?

10a. Is it used by many inmates? or by a few?

		9. Use of Collection			10.a. Use by Inmates	
		Heavy	Occasional	Infrequent	Many	few
1.	Alabama					
2.	Alaska	7				7
3.	American Samoa					
4.	Arizona				1	
5.	Arkansas			1		1
6.	California					
7.	Colorado	2				
8.	Connecticut	1				1
9.	Delaware	1		1		4
10.	District of Columbia	1				4
11.	Florida	4	2	2		7
12.	Georgia					
13.	Guam					
14.	Hawaii	1				1
15.	Idaho	1			1	
16.	Illinois	3	3	1	1	5
17.	Indiana					
18.	Iowa	1	1		1	1

Table 7 (Continued)

		9. Use of Collection			10.a. Use by Inmates	
		Heavy	Occasional	Infrequent	Many	few
19.	Kansas	1	1	1		
20.	Kentucky	3				3
21.	Louisiana	1				
22.	Maine	1			1	
23.	Maryland				1	
24.	Massachusetts	2	1	1		
25.	Michigan	3	1		2	2
26.	Minnesota	2	1		3	1
27.	Mississippi	1			2	1
28.	Missouri	-	2	4		
29.	Montana	1				6
30.	Nebraska	3			1	
31.	Nevada				3	
32.	New Hampshire		1			
33.	New Jersey	3				1
34.	New Mexico		1		1	1
35.	New York					1
36.	North Carolina					
37.	North Dakota					
38.	Ohio	3	2			
39.	Oklahoma				3	2

Table 7 (Continued)

		9. Use of Collection			10.a. Use by Inmates	
		Heavy	Occasional	Infrequent	Many	few
40.	Oregon					
41.	Pennsylvania					
42.	Puerto Rico					
43.	Rhode Island	1				
44.	South Carolina		1		1	
45.	South Dakota					1
46.	Tennessee	3	1			
47.	Texas	3			3	1
48.	Trust Territory				1	2
49.	Utah	1				
50.	Vermont	1			1	
51.	Virginia	1				1
52.	Virgin Islands				1	
53.	Washington	1				
54.	West Virginia	1			1	
55.	Wisconsin	3	1		1	
56.	Wyoming				2	2

61 institutions in 31 states reported that inmates' use of legal reference materials was "Frequent"; 21 institutions in 14 states reported it "Occasional"; and 12 institutions in 8 states, "Infrequent".

Many respondent's did not attempt to reply to this question. Definitions for the terms "Occasional" and "Infrequent" were not given in the questionnaire. The responses based upon individual interpretation, can provide no more than a generalized picture of the frequency of inmate use of legal reference materials. The difficulties of interpreting replies can be illustrated by the remarks which accompanied answers from two respondents:

> "Frequent - at least 6 inmates a day use the material"
> "Infrequent - no more than 5 inmates at one time can get into the writ room".

Disproportionate numbers of responses to this question were received from major long term prisons where legal reference materials are more numerous and where inmate use could be expected to be more frequent. The responses from the 12 institutions where inmate use was "Infrequent" were examined for factors which were consistent and would reveal some relevancy to the reported rate of use. 9 of the 12 institutions had minimal collections consisting of one set of state codes; other institutions, however, with equally inadequate materials reported "Frequent" inmate use. One of the 12 was the major state prison previously mentioned with a large accumulation of materials and limited space. The Arkansas institution reporting "Infrequent" use had an exemplary collection, but the presence of the professional attorney in Arkansas institutions to serve inmates reduces the need for direct inmate use of the law collection. The tabulations failed to show a relationship between frequency of use and any identifiable factor, such as the quality of the collection.

Question 10a: "Is it used by many inmates? _____ or by a few? _____.

10b: If possible, estimate the percentage of inmate population who have used legal materials in the preceding 12 months." Tabulations are in Tables 7 and 8.

32 institutions in 21 states reported that legal reference materials were used by "Many"; 56 institutions in 73 states reported that they were used by "Few."

The terms "Many" and "Few" were not defined in the questionnaire. The wide variation in individual interpretations can be illustrated by comparison with percentage estimates. In Arkansas, a 35% estimate was designated as "Few," while in Nebraska, a 30% estimate was designated as "Many." Because this question and the preceding #9 were answered by the same respondents, a consistency of interpretation can be assumed between the two questions if not between two separate respondents.

Table 8: Summary of Responses to Questions 10b, 11

10b. If possible, estimate the percentage of inmate population who have used legal materials in the preceding 12 months.

11. Have there been requests for legal reference services (or for improved services)? yes - no

	10 b. % of Inmates Using Collection in Past Years	11. Are Services Requested	
		Yes	No
1. Alabana			
2. Alaska			
3. American Samoa		7	
4. Arizona			
5. Arkansas	35%		
6. California		2	
7. Colorado	40%		
8. Connecticut	4%	2	
9. Delaware	10%	2	
10. District of Columbia	7%	4	
11. Florida	2%-35%		
12. Georgia		2	1
13. Guam			
14. Hawaii	5%		
15. Idaho	90%		1
16. Illinois	2%-35%		
17. Indiana		1	1
18. Iowa	25%-60%	2	
19. Kansas	3%-60%	1	2

Table 8 (Continued)

		10 b. % of Inmates Using Collection in Past Years	11. Are Services Requested	
			Yes	No
20.	Kentucky			
21.	Louisiana	8%	1	
22.	Maine	85%		
23.	Maryland			
24.	Massachusetts	3%-100%	3	
25.	Michigan	20%-35%		1
26.	Minnesota	30%-60%	2	
27.	Mississippi			
28.	Missouri		7	
29.	Montana	50%		
30.	Nebraska	30%		
31.	Nevada			
32.	New Hampshire	15%		
33.	New Jersey	10%-20%	2	
34.	New Mexico	20%	1	
35.	New York			
36.	North Carolina			
37.	North Dakota			1
38.	Ohio	10%-85%	4	2

Table 8 (Continued)

		10 b. % of Inmates Using Collection in Past Years	11. Are Services Requested	
			Yes	No
39.	Oklahoma			
40.	Oregon			
41.	Pennsylvania			
42.	Puerto Rico			
43.	Rhode Island	90%	1	
44.	South Carolina		1	
45.	South Dakota			
46.	Tennessee	8%-40%	1	1
47.	Texas	20%	1	2
48.	Trust Territory			
49.	Utah	15%-20%	1	
50.	Vermont	10%		
51.	Virginia	25%	1	
52.	Virgin Islands			
53.	Washington			
54.	West Virginia	55%	1	
55.	Wisconsin	5%-50%	2	1
56.	Wyoming		1	

Table 9: Comparison of 1973 and 1974

		1973				1974		
		Number of insts. affected by mandate	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. mat.	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. materials
1.	Alabama	8	8		8	5		5
2.	Alaska	6	6		6	4	1	3
3.	Arizona	4				2	2	
4.	Arkansas	3	2	2		2	2	
5.	California	12	13	13		12	12	
6.	Colorado	4	2	2		2	2	
7.	Connecticut	10	10	10		11	11	
8.	Delaware	3	4	2	2	3	1	2
9.	Florida	9	9	9		11	11	
10.	Georgia	16	3	1	2	18	1	17
11.	Hawaii	1	1	1		2		2
12.	Idaho	1	1	1		1		1
13.	Illinois	9	7	7		9	8	1

Table 9: Comparison of 1973 and 1974 (Continued)

	1973				1974		
	Number of insts. affected by mandate	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. mat.	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. materials
14. Indiana	5	4		4	4	1	3
15. Iowa	5	3	2	1	5	1	4
16. Kansas	4	3	3		4	1	3
17. Kentucky	4	3	3		3	2	1
18. Lousiana	3	1	1		3	1	2
19. Maine	3	1	1		3	1	2
20. Maryland	6				8		8
21. Massachusetts	5	5	4	1	5	1	4
22. Michigan	7	5	4	1	5	5	
23. Minnesota	3	3	3		3	1	2
24. Mississippi	1	1		1	1		1
25. Missouri	7	7	2	5	4		4

Table 9: Comparison of 1973 and 1974 (Continued)

	1973				1974		
	Number of insts. affected by mandate	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. mat.	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. materials
26. Montana	1	1	1		1	1	
27. Nebraska	2	1	1		3	1	
28. Nevada	2				1	1	
29. New Hampshire	1	1	1		1	1	
30. New Jersey	7	3	3		7	7	
31. New Mexico	2	1	1		1		1
32. New York	20	7	7		20	20	
33. North Carolina	8				8	2	6
34. North Dakota	2	1		1	2		2
35. Ohio	10	6	6		7	7	
36. Oklahoma	7				2	1	1
37. Oregon	3	2		2	3	2	1
38. Pennsylvania	8	8	8		8	5	3

Table 9: Comparison of 1973 and 1974 (Continued)

	1973				1974		
	Number of insts. affected by mandate	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. mat.	Number of insts. reporting	On-site legal reference mat. available	No on-site legal ref. materials
39. Rhode Island	2	2	2		1	1	
40. South Carolina	10	1	1		9	9	
41. South Dakota	2				1	1	
42. Tennessee	5	5	4	1	4	3	1
43. Texas	16	14	13	1	16	13	3
44. Utah	2	1	1				
45. Vermont	2	1	1		1		1
46. Virginia	6	1	1		6	6	
47. Washington	4	4	4		4	4	
48. West Virginia	3	1	1		2	2	
49. Wisconsin	5	4	4		5	5	
50. Wyoming	2	1	1		1		1

Based upon this assumed consistency, the tabulations show that more than half the institutions responding reported legal reference materials were used frequently by a relatively few inmates. These findings tend to support the concern of many librarians and attorneys that the provision of professional legal reference materials do not answer the legal information needs of "Many" inmates. While it is essential that these materials be provided for those inmates who are able to use them, those who are not able because of language or educational barriers have an equally valid claim to adequate legal counsel or adequate legal information.

Percentage estimates of inmate use of legal reference materials were combined for all responding institutions in each state to show the highest and lowest estimate for all state institutions. The broad span of the percentages reflects the variety of institutions as well as a variety of individual interpretations by respondents.

Question 11: "Have there been requests for legal reference services or for improved services? Yes _____ No _____." Tabulations in Table 8.

51 institutions in 24 responding states reported there had been inmate requests for improved legal reference services; 13 institutions in 10 states reported that there had been no such requests. Many respondents did not reply to this question. In all, replies were received from 64 institutions in 27 states, as compared to the 174 institutions in 45 states which answered the first question on the questionnaire. The 4 to 1 ratio between Yes and No answers may be weighted by a tendency among respondents to reply for those institutions where inmate requests have been most frequent. Even so, such a ratio indicates that there is widely expressed need among inmates for law library services and materials.

There was no apparent relationship between requests for improved services and the quality of the legal reference materials and services previously provided. Both "Yes" and "No" answers were received from institutions in all three categories of collection quality. In Texas, where working collections meeting AALL recommendations are provided in all institutions, one institution reported inmate requests for improved law library services. In North Dakota, where no legal reference materials were provided, it was reported that no requests for them were received.

Question 12: "If you can furnish additional information on other aspects of legal research services, we would appreciate it. For instance: problems', most used materials', most needed materials', most needed services, etc."

Among the responses received more emphasis was placed upon problems and needs than upon the most used materials. Respondents from 6 states reported that state statutes were the materials used most often. Six other states replied that state, regional, and federal

reporters were most heavily used. Works providing instruction in procedure were cited as the most used by 4 respondents and works on criminal practice by 3 respondents.

A large number of respondents discussed materials and services that were needed. Although the language used to describe the needs varied, they fell roughly into the following categories. The numbers in the column on the right show the number of times these needs were cited by different respondents.

Most need materials	Number of times cited
State court reports	7
Federal court reports	6
Out of state materials	1
Criminal Law Reporter	2
State statutes	5
U.S. Code	4
Law Previews	2
State Procedure	2
American Jurisprudence	2
Corpus Juris Secundum	1
Sheperds Citations	2
Back copies of reports	1
More up to date materials	3
Explanatory material in layman's terms	2

Most Needed Services	Number of times cited
Assistance with use of material	11
Copying services	3
Typewriters or typewriting service	2

The problems cited by respondents were too varied for categorization. Many were restatements of need, but others were unique to particular situations. Because the varied points of view they present and the differing emphases made provide a greater understanding of the difficulties faced by librarians in providing legal reference services. Excerpts from comments made in response to question #12 are given below.

Connecticut: "Most inmates remain uninformed about the use and potential of the materials. Our survey show that about 5% of the collection receives about 95% of the use."

Delaware: "Demand for legal materials is heavy in each of the adult correctional institutions, but I strongly suspect that ability to use the materials is almost nil."

Florida: "The problem, I believe, is that many inmates would like to appeal or seek post conviction relief through the courts, and

it appears that many may have grounds with which to base such an appeal, however, many inmates do not have the knowledge of law to even begin to know where to start.

"For a few packs (cigarets) in most any prison an inmate can purchase 'The case that will free him.' I know of one inmate who cited the same case 10 times and only later learned that the case had been altered ... What appears to be needed is someone with legal training that could assist the inmate with the preparation of his petition to make sure that it is in correct order and that the cases cited are authentic ... Without doubt petitions that were in proper order would relieve the heavy calendar of the courts, because petitions that had no merit would not be filed.

"I would strongly recommend that the library of any prison institution join the National Legal Aid and Defender Association of the American Bar Association.

"Law Reviews are in frequent demand, but we are seldom fortunate enough to have current issues of these papers. The law material we should consider the most needed are current Federal and State Civil and Criminal Rules for Procedure and a comprehensive text in Constitutional Law (procedure; etc.)

"The Superintendent recommends specifically that all receiving institutions have a full time attorney on the staff to assist inmates with their personal welfare/legal problems as well as to advise them on their legal cases early in their incarceration.

"Our greatest problem is that users often request information on statutes and/or current ruling in states other than Florida. We try to supply these when available through interlibrary-loan circuit. If we cannot, our only source is to suggest that the user write that state on his own volition ... Another problem encountered is that of staying neutral. While we try to guide users, we do not take an active part, in that, as state employees, we do not wish to be party to any action ... It would be interesting to see what would develop if local law schools would take a correctional institution such as this "under its wing" in that users could write that school, which in turn, could have its law students do the required legal legwork to be routed to the inquiring user. This would provide a pseudo - representation for the user and a practical application for the student.

Idaho: "The best service has been the use of University Law School students as intern counselors to meet with inmates and help them with their legal problems. Our Law Librarian recommends this rather than just books and non-law trained librarian."

Illinois: "Most needed materials are Illinois Revised Statutes and guides to relevant court cases and decisions. Problems are to keep books intact, eliminate the tearing out of sheets . . . Most needed materials are Illinois Criminal Procedure, Supreme Court Reports

and Illinois Appelate Court Report ... There is need for a qualified legal aid, a lawyer available for consultation.

Indiana: "The administrations of the women's, children's and young people's institutions indicate that there is no evident need for law collections because of the inmate's ages, their reading interests and their lack of time to use library materials.

Iowa: "The residents need law books that explain different situations in laymen's terms. The Code of Iowa is very difficult for the resident to understand and too difficult for anyone not familiar with the code to find the information they are seeking ... We are in need of funds to update our present law library. Some volumes are lost; others we do not have on hand.

Massachusetts: "Some training in legal research and legal bibliography should be offered to inmates and staff at the correctional institutions.

Michigan: "Most needed material would be a copying machine. The biggest need we feel is for visitations from a lawyer to aid the inmates in proper procedures in appealing their cases.

Nebraska: " . . . (inmates) have an insufficient supply of Court Reporters, and lack statute books from other states which they desire because of detainers being filed against them . . . A major problem constantly being faced is the total lack of knowledge and basic understanding of the law and its applications to various legal problems."

New Jersey: "The real problem is that the Minimum or Farm and the Medium Security Units are separate for purposes of security and have separate libraries, we really need two sets of legal research materials to do justice to the two inmate populations."

New Mexico: "Most inmates in this institution do not know their civil, or constitutional rights and are in need of professional assistance. The inmates do not know how to use the legal materials available to them, and there is no one to help or assist them in the search for legal references . . . The Bar Association should render its services to the inmates of this institution free of charge by having a lawyer assist the inmates three days a week."

Ohio: "We need typewriters and a copying machine for the law library itself and also additional staff, librarians, and typists to assist inmates prepare their petitions for the courts."

Rhode Island: "The greatest handicap to a useful legal library is the absence of any person responsible for the collection. Until such time as there is a librarian, the collection will remain a haphazard assortment of materials and the most useful materials will continue to be absconded.

"The two greatest needs are: 1) a person to organize the materials and supervise their use; and 2) photocopying equipment."

Tennessee: "The basic problem is that most materials are out of date. All materials are needed in current editions.

"A major problem is that the use of the collection is limited to the period of time during which the inmate clerk can be in the room with the material. The most used item is Volume Seven, Tennessee Code Annotated (volume on criminal law). The most needed are manuals of procedure describing the preparation of writs, etc.

Vermont: "We need a sound proof area in the library where a typewriter could be used."

West Virginia: "The West Virginia Code and the Criminal Law Reporter are the most used items in the law collection. The handling of writs is the biggest problem. The prisoner first tries for appeals in the state courts and when this is exhausted he tries to present his writ of Habeas Corpus to a federal court.

Wisconsin: "Inmates do not understand what they read, and not being a lawyer nor having the time, I cannot be of too much assistance. ... If a man really has a case, a person with legal reference skill should be available to assist him (even by mail) . . . Most times when help is needed, it is in how to write to writ . . . The "jail house lawyer" says that most men do not even have a case . . . or when told proper procedures show complete lack of understanding."

In summary, the major concerns of respondents were these:

a) The inability of most inmates to use complex legal materials.
b) The need for lawyers, law students, or law librarians to assist and instruct in the use of materials and in the preparation of writs.
c) The lack of adequate supervision for the law library to allow sufficient hours open and offer protection and control of the materials.
d) The need for more extensive and up to date materials.
e) The need for typewriters and copy machines.

The Connecticut respondent cited the inefficiency of providing complete sets of materials of which only 5% is relevant to the information needs of the inmate population. Because professional legal reference materials are presently the only materials available, most respondents accepted them as what was needed. While the inappropriateness of these materials for persons untrained in their use was recognized by many respondents, the solution most often sought was to provide assistance and training for the clientele. Only the Connecticut respondent saw the inefficiency and extravagance of the materials themselves

as a problem.

D. RECENT GROWTH

In January 1974 the staff of ILR undertook the preparation of a handbook of current practice and statistical data on library programs in state administered correctional institutions. The product of this effort appears as Volume IV of this report, Current Practices in Correctional Library Services: State Profiles. Information was gathered on current library programs through correspondence and telephone contacts with institutional consultants in state libraries. Specific enquires were made concerning recent developments in the provision of legal reference materials. The information gathered indicated that significant expansion in collections and services had taken place during the past year. The number of on-site legal collections had grown; the quality and accessibility of existing collections had improved; several legal aid programs in cooperation with law schools or local bar associations had been initiated or strengthened; the number of copying machines available to inmates had increased; LEAA grants had been used in some states to purchase law collections; budget allocations for legal reference materials had increased; interlibrary-loan services had expanded; and in many states conferences and work shops were held to instruct librarians and clerks in the use of materials and in the provision of services.

Not all developments were positive. Some established student legal aid programs had failed to survive. Other legal aid programs funded by federal or foundation grants had been terminated. A few states have not yet acknowledged their responsibility to provide equal access to the courts for prisoners through legal information or legal counsel. Other states are immobilized by a failure to achieve necessary funds. Several states during the past year have had law suits brought against them challenging the adequacy of legal information available in their correctional institutions. These developments have been described in the brief accounts of individual states which follow this section.

The tabulations given in Table 9 make comparisons between the number of adult institutions reporting on-site legal collections in 1973 and those reporting collections in 1974. In the first count, 174 responding institutions in 45 states reported 136 on-site legal reference collections; in the count a year later, 235 responding institutions in 49 states reported 156 on-site legal collections. Of the 49 states covered in the 1974 telephone survey, 14 reported fewer collections then in 1973. Two factors were largely responsible for this; 1) the closing of several institutions in the trend toward smaller community-based correctional facilities, 2) a more critical evaluation by respondents of the legal reference materials available and a growing reluctance to designate an accumulation of out-of-date materials as a "Collection." Despite the decrease in these 14 states, there was an overall gain of 20 additional institutions reporting on-site local collections. The tabulations do not denote the size or quality of the reported collections,

but their increased number demonstrates a growing awareness of the need for legal information services in correctional institutions and a similar increase in the willingness of librarians, attorneys, and correctional administrators to meet the obligation to provide it.

E. STATE PROGRAM DESCRIPTIONS

Additional background information which does not fit into the previous tabulations, but which provides a useful overview, has been compiled into brief descriptions of correctional law library programs in each state. The information was gathered from a variety of sources which were as follows:

1) National Criminal Justice Information Center operated by the Department of Justice
2) Letters accompanying returned ACA questionnaires
3) Data contributed by independent researchers. Information was contributed by Mr. Robert Wang of the Indiana State Library, Mr. Williams, M. Lormen of the New Jersey State Library, and by Dr. Lesta Norris Gurt, Director of the Library Science Department, Sam Houston University, Huntsville, Texas.
4) Publications, including newspaper accounts and court reports
5) Correspondence
6) Telephone conversation with state library institutional consultants
7) On-site visits to correctional institutions and personal interviews with staff and administrators carried out during the ILR study of correctional library and information problems.

Alabama: Eight institutions and fifteen road camps do not have legal materials. A law consultant is available to inmates at the state prison. Interlibrary loan: not available. Photocopying: not available.

Alaska: Although state law requires inmate access to Alaska Statutes and other works, none of the thirteen institutions in the state have on-site materials. The required minimum collection was purchased through an LEAA grant and is housed at the central office of the Department of Corrections. Inmates must request access through correctional officers. The State Penitentiary has selected sections of Alaska Statutes on microfilm. A new institution at Anchorage will have its own law collection. Interlibrary loan: State Library. Photocopying: State Library, Pacific Northwest Bibliographic Center.

Arizona: A new library building at the State Prison houses a small collection of current federal and state reporters and other works including: American Jurisprudence, Arizona Revised Statutes, U.S. Code Annotated, and Shepards Arizona Citations. Publications prior to 1971

are not included. The womens prison has a set of the Arizona Statutes in the warden's office. A student legal aid program under the direction of the faculty at the University of Arizona assists inmates at the State Prison.

California: In response to a class action suit, law libraries approved by the Federal District Court have been provided in 13 institutions. Work camps do not have collections, but men needing access to collections are transferred on request. Major institutions provide on-site photocopying machines for inmate use. Typing services are also provided.

The State Law Library, under contract with the Department of Corrections, provides photocopy of pre 1960 reports and inter-library loan or photocopy of encyclopedias. Reference services, photocopying, instruction in the use of law library materials and consulting services are provided as part of regular state library backup services. Recently a work shop was held to instruct staff members supervising libraries in the use of materials. The women's institution is staffed by an inmate librarian who was unable to attend the workshop. Interlibrary: State Law Library. Photocopying: State Law Library.

Colorado: Two major institutions have accumulations, one of which includes current materials. Both are under the supervision of inmate clerks. The Public Defenders Office provides legal counsel to all inmates who request it. Interlibrary loan: University General Library. Photocopying: State Law Library and the University General Library.

Connecticut: Under an L.E.A.A. grant, ten institutions were provided with microfilm readers and microfilmed collections of State Law Library holdings which fell within the public domain or for which arrangments had been made with cooperating publishers. Agreements have not been reached with West Publishing Co., a major source of needed material. The state prison at Somers also has a hard-bound collection under the supervision of a professional librarian. Other collections are supervised by inmate clerks. A supervisor of correctional libraries jointly employed by the Department of Corrections and the State Library provides training for inmate clerks, back up and consulting services. There are plans for an interlibrary-loan system built upon the Sommers collections which will replace services now provided by the State Law Library. Interlibrary loan: State Law Library. Photocopying: State Law Library.

Delaware: The major institution at Sussex has an accumulation which includes Federal and regional reports and some digests. A second institution has a law dictionary and State Code; two others have no legal materials. One of five juvenile institutions has a copy of the state code.

Law books at Sussex can not be checked out for cell use, although the library is open only four hours per week. Interlibrary loan: not available. Photocopies: not available.

District of Columbia: At Lorton a small collection includes U.S. Codes, District of Columbia Code, Federal Rules of Criminal Procedure, Federal Rules of Court Procedure, and Federal Reporter. A photocopy machine is available. Interlibrary loan: not available. Photocopying: available at institution; not from outside.

Florida: Accumulations of varying size and containing some current materials are in each institution. All are supervised by full-time civilian librarians. A recent training session was sponsored by the Attorney General's Office to instruct librarians in the use of legal materials.

Funding is being sought for expanded libraries in two major long-term institutions, basic libraries in others, and copying machines in all. Work camps would be served through interlibrary loan and photocopies provided by libraries at the state prisons. A qualified law librarian would supervise the program, adapt collections to changing needs and new forms of publication. He would coordinate purchasing and interlibrary loan services, train librarians and inmate clerks, and provide consulting services. The supervising librarian would be required to make at least two visits per year to each of Florida's eight institutions. The plan was submitted to the Federal District court for approval after a class action suit was brought against the Florida Department of Corrections. A decision is pending. Interlibrary loan: State Law Library. Photocopying: State Law Library.

Georgia: An accumulation of material is at the State Prison at Riedsville. The paraprofessional supervising the library is studying law and has introduced some current material.

Georgia is participating with Kansas and Minnesota in a Tri-State Consortium which utilized professional attorneys, law school faculty, and third year law students to provide counsel to inmates. The program in Georgia will also research patterns of inmate legal needs in maximum and minimum security institutions. The women's prison is not a participating in the program. Interlibrary loan: State Law Library-University Law Library. Photocopying: Not available.

Hawaii: The State Prison has a small collection which includes Hawaii Revized Statutes, Federal Code Annotated, and Hawaiian Reports. Under auspices of the State Law Library, attorneys from the Young Lawyers Section of the Bar Association of Hawaii conducted a series of law classes with emphasis upon legal research using basic tools of Hawaii. A legal aid representative visits the prison weekly to assist inmates. Women offenders are not held in Hawaii but are sent to mainland prisons. A.C.L.U. has planned a law suit to challenge present resources. Interlibrary loan: State Law Library. Photocopying: State Law Library.

Idaho: The State Prison has a small accumulation under the supervision of an inmate clerk. LEAA funds are being used to replace earlier materials lost in a fire with a larger collection of current material.

The University of Idaho law school provides a students legal aid program. Interlibrary loan: State Law Library. Photocopying: State Library at no cost.

Illinois: Seven institutions have accumulations of varying size. Books must be used in the library area, except at the women's institution at Dwight where copies of law dictionaries and Iilinois Criminal Law and Procedure are placed in each living unit.

Illinois institutional libraries, as well as public libraries, belong to a network of regional library systems. Efforts to provide access to legal materials have been directed toward providing interlibrary loan and photocopied materials through this network. At present, inadequate indexing and access tools at each institution prevent the system from functioning as well as possible. The present system will continue through June 1974.

A $145,000.00 program funded by LEAA and the Department of Corrections to provide basic legal collections of codes, reporters and procedural texts in each institution will be implemented next year. Material selection was done in consultation with attorneys from ACLU and the Foundation for the New Business Ethic.

Interlibrary loan and photocopying are available from systems libraries, the State Law Library and University Libraries.

Indiana: Four adult institutions do not have legal materials. There is concern to provide them at the new prison, but not at women's or juvenile institutions. Institutional librarians are encouraged to acquire basic knowledge in using law materials and in searching for law materials from outside sources. The establishment of adequate legal collections is planned for fiscal year 1975. Interlibrary loan: not available Photocopying: Free of charge from Indianapolis Law School and Notre Dame Law School.

Iowa: As a result of a court case, a basic legal collection has been established at the state penitentiary. Photocopying services are also available at the prison. A small accumulation of legal materials and a current state code is available at Anamosa Reformatory. The women's facility has neither books nor copy machine.

Law school students and volunteers attorneys provide legal aid services. Interlibrary loan: generally not available, except between Seven Rivers Library System and Anamosa Reformatory. Photocopying: State Law Library.

Kansas: Three men's institutions have accumulations: Materials discarded by the State Law Library are sent to the State Penitentiary including advance sheets. Legal assistance is provided inmates at the Reception and Diagnostic Center by Legal Services, Inc. which comes weekly to the Center. A student legal aid program is part of a tri-state consortium developed to study inmate legal needs and devise more

efficient ways of meeting them. Information was not received from the women's institution. Interlibrary loan: State Law Library. Photocopying: Washburn University, Wichita University, Kansas University.

Kentucky: Two men's institutions have collections of current materials which includes Federal Reporter, Federal Supplement, Supreme Court Reporter, Kentuck Digest, South Western Reporter, directories, dictionaries, hand books and monographs. Approximately $500.00 per year per institution is spent on upkeep. Typewriters are also provided. The women's institution has the Kentucky Revised Statutes. Interlibrary loan: Between three institutions and the farm but not with outside. Photocopying: Free of charge from University of Kentucky Law Library, Kentucky Legislative Research Commission.

Louisiana: The State Penitentiary at Angola has a small collection of current material which includes Louisiana Reports, Southern Reporter, Corpus Juris Secumdum, Modern Federal Practice Digest, Words and Phrases, and Criminal Law Reporter. Inmates do not have direct access to the collection but must make an appointment with the inmate law clerk who uses the collection to assist them with their legal problems. Interlibrary loan: State Law Library, State University Law Library. Photocopying: State Law Library, State University Law Library.

Maine: Approximately 400 volumes are housed at the State Prison at Thomaston. Information is not available on currentness of materials. Volumes may be checked out over night.

Copying Services are provided at the institution. Interlibrary loan: State Law Library, County Law Library. Photocopying: State Law Library, County Law Library.

Maryland: At present there is an internal mechanism to forward individual requests for assistance to law schools. It is planned to improve services in the near future through LEAA funding.

Massachusetts: In 1973 Norfolk State Prison received a legal collection funded by the State Library Agency ($6,500). The Concord facility more recently received $3,500 from the Department of Corrections for law materials. Plans have been made to provide legal reference collections for 3 additional institutions which now have small accumulations. Work camps do not have legal materials. LEAA has funded a program to provide lawyers for consultation with inmates.

The State Law Library averages 100 interlibrary loan requests from inmates each year, or from 3% to 4% of the total inmate population. At 10¢ per page, the average request costs between $5.00 and $8.00. At the same time, free copying services from the Social Law Library are not heavily used. Both libraries send superseded supplements and advance sheets to prison libraries. Interlibrary loan: State Law Library. Photocopying: State Law Library, Social Law Library.

Michigan: State law requires correctional institutions to have legal reference collections. Five adult institutions have accumulations supplemented by current materials purchased by the State Department of Corrections, and by superceded advance sheets forwarded from outside law libraries. A copying machine is available at the state prison.

The reformatory has few materials, but they are current and funds are available to update them. The technical school and work camps do not have legal materials. Departmental policy is to transfer men requesting access to institutions where materials are available. Interlibrary loan: State Law Library. Photocopying: State Law Library.

Minnesota: Under an LEAA grant, packaged law libraries purchased from West Publishing Co. were placed in each major institution. The publisher provided a four-day training session for inmates at each facility. Two institutions have a copy machine available to inmates. The women's institution also has access to legal materials through a regional library system.

Minnesota is participating with Georgia and Kansas in a tri-state consortium to provide legal counsel while studying the pattern of inmate legal needs and developing more efficient ways to meet them. Interlibrary loan: State Law Library. Photocopying: State Law Library.

Mississippi: A small collection of 200 books has recently been purchased and placed under the supervision of a correctional officer. Interlibrary loan: State Library general collection Photocopying: State Law Library

Missouri: The state penitentiary and the training center have small accumulations supplemented with some current materials. Other institutions and camps have Missouri Revised Statutes.

The Department of Corrections has requested copy machines for the penitentiary and training center and a law librarian to be based at the penitentiary. A proposal for a $20,000 grant has been submitted to LEAA for improving law libraries. Interlibrary loan: not available. Photocopying: State Supreme Court Library.

Montana: The Montana State Library maintains a branch library staffed by a professional librarian within the State Penitentiary at Deer Lodge. The branch has a small law collection of current materials which includes U.S. Supreme Court Reports, U.S. Supreme Court Digest, Revised Codes of Montana, U.S. Code, American Jurisprudence, and Corpus Juris Secundum. Legal materials are not provided at Swan River Youth Camp. A law consultant is available to inmates. Interlibrary loan: State Law Library, University Law Library, Pacific North West Bibliographic Center. Photocopying: same as above.

Nebraska: Three adult institutions have accumulations which

include Nebraska Statutes. The largest of these is at the penitentiary within the Nebraska Penal Complex. Men from the Reformatory may go to the penitentiary to do research, but inmates at the womens institution may not.

A 1972 court decision steming from a suit brought against the warden by an inmate at the Penal Complex requires that the law library allow access to the legal library at any time during periods of "free time" or recreation. The prison regulations which permitted only 6 inmates to be present at one time in the prison law library was found to be reasonable. Interlibrary loan: not available. Photocopying: not available.

Nevada: Legal reference materials are not separate from the general collection. There have been no recent developments in the provision of legal reference materials.

New Hampshire: The State Prison has a small accumulation supplemented by some current materials which include a variety of procedural texts, state statutes, state reports, and state digests. Volumes may be checked out to cells for overnight use. Interlibrary loan: State Law Library. Photocopying: State Law Library.

New Jersey: An LEAA grant ($69,000) has provided law collections at 7 adult institutions and a training program for librarians, social workers, teachers, and inmates in the use of the material. At Leesburg, inmates on the farm must request books from the medium security area. The business office will also provide photo copies materials. Interlibrary loan: not available. Photocopying: State Law Library.

New Mexico: The State Prison has a small accumulation housed in the Warden's Office at the men's facility. Women inmates have no access to the material.

A class action suit was recently filed in Federal District Court against New Mexico Department of Corrections because of inadequate access to legal reference materials. The outcome is pending. Interlibrary loan: not available. Photocopying: not available.

New York: Six major men's institutions and the women's institution at Bedford Hills received basic law libraries with assistance of an LEAA grant. LEAA funds totaled $234,191, and Department of Corrections funds came to $80,666. West's Publishing Company provided a four day training session for inmate library use and staff. The grant also funds the Legal Field Services Program which provides a variety of services, but which does not include direct legal assistance to inmates. Law library collection include the following: McKinney's Sessions Law of New York, 1971 edit.; McKinney's Consolidated Laws of New York Annotated; New York Supplement 2nd Series; McKinney's New York Court Rules, State and Federal 1971; United States Code Annotated; Modern Federal Practice Digest; Handbook on Criminal Procedures in the United States District Court; Federal Rules of Criminal and Civil Procedure;

Federal Supplement, Volumes, 200 to date; Federal Reporter 2d Series, Volumes 300 to date; and Supreme Court Reporter, Volumes 76 to date. Inmate clerks express a need for Shepards Citators, which they do not have, and prior volumes of New York and Federal Cases. Twelve smaller institutions and camps have accumulations.

Auburn Prison has a student legal aid program provided by Cornell Law School. ACLU is providing legal assistance and counseling to women at Bedford Hills. In addition, the New York Bar Association is cooperating in a lawyer-observer program designed to monitor institutional disciplinary proceedings. Auburn and Bedford Hills have a copy machine available in the library. Interlibrary loan: State Law Library. Photocopying: State Law Library.

North Carolina: Two libraries out of 8 serving major adult correctional institutions have law books in their collections. There are no law libraries as such. One Library offers the services of a paraprofessional law consultant.

The U.S. District Court for the Eastern District of North Carolina has recently filed a memorandum decision [Smith, Carnes, Carter, and Lilly vs. Bounds and Blackledge, August 16, 1973] which cites Younger vs. Gilmore and orders "that the Department of Corrections be enjoined from denying plaintiffs law libraries or reasonable alternatives to law libraries." The Department had until January 1, 1974, to file "comprehensive proposals for providing libraries or alternatives."

North Dakota: No legal materials are available in North Dakota Institutions. The report was that there were no requests for such material or services.

Ohio: An LEAA grant has provided a basic law library at the new Lucasville State Prison and has provided collections of current materials to other institutions. A legal aid program has been established in cooperation with the faculty of Franklin Law School at Capital University, which utilizes inmates and law students working under the guidance of professional attorney. Interlibrary loan: Not available at 5 institutions. Lucasville has I.L.L. arrangements with the Capital University School of Law. Photocopying: 4 institution replied that photocopies were not available. Lucasville gets photocopies from the Capital School of Law, from W.H. Anderson Publishing Co., and West Publishing Co.

Oklahoma: One of the two major adult institutions has law books in its collection, but no law library as such. Plans are underway to establish a program with the University of Oklahoma Law students which would fill inmates' requests for legal information.

Oregon: There are no legal reference materials in Oregon institutions. Information was not received on interlibrary loan or photocopying services.

Pennsylvania: Each State Prison has an accumulation which varies

from the 5 titles of Purdon's Pennsylvania's Statutes to several thousand volumes. Five institutions have legal materials in their main libraries; three have them elsewhere. Two institutions have law clinics staffed by residents and operated under the supervision of staff members. At least four institutions receive legal consultant services for inmates on a regular basis. Graterford Correctional Institution has an inmate legal advisory council which works under the supervision of a correctional officer and in cooperation with professional attorneys to provide a high level of service to inmates. Interlibrary loan: State Law Library. Photocopying: offered by 8 law libraries throughout the state.

Rhode Island: Inmates have direct access to small accumulations. A federally funded Inmate Legal Assistance Program provides the services of third year law students from Boston College who work under the supervision of a professional attorney. They are available five days per week during hours 9:00 A.M. to 3:00 P.M. Recent materials at their disposal include General Law of Rhode Island, Rhode Island Reports, Prison Law Reporter, and Criminal Law Reporter. In addition, they make use of the law collection at Boston College. Interlibrary loan: through law students from Boston College. Photocopying: Boston College.

South Carolina: An accumulation which is available to all inmates includes South Carolina Code, Criminal Defense in South Carolina, Guide to Evidence Law In South Carolina, and Emerging Rights of the Confined. A second set of the State Code is housed in the maximum detention center. Interlibrary loan: not available. Photocopying: University of South Carolina Law Library.

South Dakota: The library which serves the one major adult correctional institution contains some law books, but there is no law library. The South Dakota Code is available on request, but at the present time there are no plans to establish a law library.

Tennessee: Accumulations exist at adult institutions, except the State Prison for Women. The largest collection (approximately 300 volumes) is at the largest men's institution and includes South Western Reporter, Criminal Law Reporter, and Tennessee Code Annotated. At the women's prison several volumes are housed in the warden's office, but are not easily available to inmates. A student legal aid program has been established by Vanderbilt Law School Students to assist juvenile inmates in the vocational training schools. Interlibrary loan: Vanderbilt University Law Library. Photocopying: Available from the State Library and Vanderbilt Law Library but are seldom used.

Texas: In response to several law suits, a program emphasizing the provision of adequate legal counsel rather than access to reference material has been established. Ten staff attorneys, ten legal secretaries, and eight student interns have been provided in ten of the main prison units. Staff services will be divided among 14 adult correctional facilities. Inmates may use the materials under supervision in the writ room. Inmates' personally-owned law books are also housed in the writ

room, where they can be checked out, four at a time, for cell use by their owner. The total project cost over a three year period, beginning Feb. 1, 1972, and including both LEAA and Texas Department of Corrections funds, will be over $1,600,000.00 Interlibrary loan: not provided. Photocopying: not provided.

Utah: The State Prison has an accumulation which includes Federal Code, Utah Code Annotated, and American Jurisprudence (partial set). A copy machine is provided at the institution, but not within the library proper. Under commission of a Federal Judge, an attorney has been assigned to study the problem of providing legal materials to inmates. He has been working with the Attorney General's Office, the prison administration, and the Board of Corrections to formulate a plan to provide adequate access. Interlibrary loan: University of Utah Law Library. Photocopying: Free from the state Supreme Court Law Library, 10¢ per page from the University of Utah Law Library.

Vermont: An accumulation of digests and reports supplemented with current procedural texts and handbooks is provided. A grant has been requested to have a lawyer attached to the Defender General's Office to serve full time as a legal counselor to inmates. He would use the State Legal Library. At present, reference work is done for prisoners by the staff of the Government and Law Library. Interlibrary loan: not available. Photocopying: Vermont State Library.

Virginia: Established collections are at the two largest men's institutions, where inmates also have access to a special group of lawyers which provides legal aid services. Other institutions have accumulations with occasional addition of current materials.

Washington: Efforts to provide access to legal reference materials preceded the Supreme Court mandate. In 1967 a policy statement concerning inmate access to legal information was jointly developed and approved by the Attorney General's Office, the State Library, and the State Department of Institutions. Since then, small collections of current materials have been maintained at each institution by the State Library. In 1971, under provision of the Social Security Act which at that time funded essential services to indigent people and the professional tools needed to provide them, law libraries were established at four institutions. Two institutions are assigned full time attorneys and professional clerks; two others share the services of a third attorney and clerk. Interlibrary loan: State Law Library. Photocopying: State Law Library.

West Virginia: The State Prison at Moundsville has a small donated legal collection supplemented current materials provided by the State Library Commission and the Inmate Benefit Fund. These include Criminal Law Bulletin, Criminal Law Reports, Search and Seizure Bulletin, West Virginia Code, Mitchies Independence for West Virginia, Decisions Rendered by the 4th Circuit Court of Appeals, and Federal Habeas Corpus. Part of the collection is the personal property of the inmate librarian. The minimum Security institution does not have legal materials. Inmate

libraries at both institutions have photocopying machines provided by the State Library Commission. Interlibrary loan: West Virginia University Law Library. Photocopying: State Law Library, W. Virginia University Law Library, W. Virginia Library Commission.

Wisconsin: A collection of current materials was purchased with LEAA funds through the State Public Defenders Office and placed in each of Wisconsin's adult institutions. In April 1973, a workshop jointly sponsored by the Division of Corrections, The Division for Library Services, and the University of Wisconsin Law School was held to instruct institutional librarians in the use of materials.

At Fox Lake and the Wisconsin House for Women on-site copying services are available. Interlibrary loan: Wisconsin Reference and Loan Library. Copying Services: University of Wisconsin Law Library.

Wyoming: State statutes are housed in the Warden's office and are available to inmates at the warden's discretion. Interlibrary loan: not available. Photocopying services: not available.

III. SUMMARY

1. There is evidence of concern and effort in nearly all states for meeting the Federal Supreme Court mandate to provide adequate legal counsel to inmates or adequate access to legal reference materials.

2. Few states have provided law collections which meet the guidelines established by the American Association of Law Libraries, the American Correctional Association, or the Federal District Court of Northern California which decided the original case of Gilmore vs. Lynch [(319 F. Supp. 105 (1970))] and approved a law library plan subsequently submitted to them by the Department of Corrections.

3. Funding to secure legal materials has been the greatest obstacle to placing adequate law collections in correctional institutions.

4. Many librarians are concerned that they lack training to assist inmates in the use of legal reference materials.

5. Materials are too difficult for most inmates to use. In long term institutions, a few inmates have become highly skilled in criminal law. Within the area of their competency, their skill often matches that of professional attorneys.

6. Legal reference materials are more often provided in maximum security long term institutions than in short term or minimum security institutions. They are provided least often to women's institutions.

7. Use of the material is by comparatively few inmates, but those few who use it, do so frequently. Also, these few are assisting others who are less proficient in the use of legal materials.

8. Inmates' interest and proficiency in legal research and self-representation is greatest where there has been exposure to legal materials over a long period of time, and is least where such material has not been provided.

10. A further conclusion is that this pattern applies also to women and explains the comparative lack of interest in self-representation in women's institutions.

11. Legal materials are most often required to be used in the room where they are housed. There are frequently overnight check out privileges granted to inmates in segregation, but rarely to mainline populations.

12. Communications concerning available outside resources are poor. All available means of obtaining legal reference services are not being utilized.

13. In order to meet the need for legal information so that equal access to the courts is not denied, reference materials, trained persons to assist with their use, and legal counsel are all needed in some degree.

14. Student legal aid programs have been initiated in several states and have had varying degrees of success in providing legal counsel to inmates.

15. Arkansas, Texas, and Washington have provided both adequate legal collections and staff attorneys to serve inmate populations.

16. Inmate legal advisory councils working under the supervision of attorneys and correctional staff have been used to provide inmates with legal counsel. Their services have given a high degree of satisfaction.

12. The use of copy machines in institutional libraries is increasing. Their use expands access to heavily used materials and reduces book damage and book loss. If copyright laws were to be clarified to provide equitable protection for publishers and more liberal use of copied materials, legal reference services could be greatly improved.

18. The preferred location for legal reference materials is in an area separate from the main library. The separate location allows for consultation and the use of typewriters.

19. As the mandate to provide legal reference materials expands to short-term and to correctional institutions under county jurisdiction, the need for inexpensive materials in simplified laymen's language becomes more apparent.

IV. RECOMMENDATIONS

1. All persons adult or juvenile male or female confined against their will in any institution, mental, rehabilitational or correctional should be provided with access to the courts by means of legal advice and/or legal information.

2. Adequate legal counsel for all persons provided by qualified attorneys should be recognized as the only satisfactory method of providing equal access to the courts. Until this can be achieved, other methods should be pursued but recognized as supplemental, as preliminary, or as an inadequate substitute.

3. Sources of funding should be found to implement inmates' right of access to the courts. Departments of Correction do not have the resources to do this without additional funds.

4. Access to both legal reference materials and to legal counsel should be provided.

5. Instruction in the use of the material should be provided to institutional librarians and to inmates.

6. More efficient and economical ways should be found to provide legal reference materials. This might be by breaking up sets, providing multiple copies of heavily-used works, and access to others through interlibrary loan and photocopy.

7. Photocopy machines should be placed in each institutional library. They will expand use of entire collection and nearly pay for themselves in reduced vandalism and book loss, not only for legal collections, but for entire library holdings as well. Some provision should be made to provide free photocopy of legal materials to indigent inmates.

8. Agreements should be reached with law book publishers to lift restrictions on institutional use of photocopying and microfilm reproduction of present materials. Publishers would then be assured of an expanding market for access tools to total holdings of a central library. Each institution would need to acquire digests, dictionaries, indexes, and most heavily used procedural texts. The bulk of citations could then be provided on request with reproduced material from a local collection or central library.

9. Large centralized collections with reference staff should provide back-up service to institutional law libraries.

10. LEAA funds should be directed toward the development of a pamphlet to be handed to each arrested person at the time of booking to inform him or her of their rights. Pamphlets should be in simple language and printed in both English and Spanish. It should have a format which can

be easily adapted to accommodate local information concerning criminal justice procedures, and sources of legal and personal assistance.

11. Attorneys, librarians, and correctional administrators should work together to meet the urgent legal information needs of short-term inmates and pre-trial detainees in County jails. A microfiche service could be established which draws upon the expertise of attorneys and librarians to scan the universe of material as it emerges directly from the court and is free of copyright restrictions. They would then select that which is most pertinent for inmate use, translate it to simple laymen's terms, provide instruction, up date and reproduce it in inexpensive microfiche. Institutions would need to provide microfiche readers and print-out machines. Such material produced in the volume needed might well be sufficiently inexpensive to give to an inmate for less than the cost of checking out conventional materials.

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5. National Advisory Commission on Criminal Justice Standards and Goals, Corrections, NACCJSG, Washington D.C., 1973, pp. 29-30.

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Appendices

APPENDIX A:

Report on ACA Seminar on
Legal Research Materials for Offenders

Presented to Joint A.H.I.L./A.C.A. Committee on Prison Libraries, American Library Asscciation's Conference, Chicago, June 1972

On May 22 and 23 a Seminar on the provision of legal research materials for offenders was held in Washington, D.C. in response to the Younger vs. Gilmore Supreme Court decision. The Seminar was sponsored by the American Correctional Association in cooperation with the Institute of Library Research at the University of California and funded by the Office of Education of the Department of Health, Education and Welfare. Participants were attorneys, correctional administrators and librarians and represented such groups as the American Bar Association, the American Association of Law Libraries, the Association of Hospital and Institutional Libraries, the Federal Bureau of Prisons, the Department of HEW, Social Responsibilities Round Table of ALA, the American Civil Liberties Union, the Library Committee of the American Correctional Association, the School of Library Service of Columbia University, and the Institute of Library Research at the University of California.

Deliberations aimed at meeting inmate legal research needs and focused on these issues:

1. Legal requirements established by the court
2. Problems of correctional agencies
3. Problems identified by writ-writers
4. Resources
5. Basic materials required and expanded recommended lists
6. Methods and sources of delivery
7. Problems of copyright and microforms

8. Staffing and training of staff
9. Resources for funding
10. Need for legislation

From Seminar deliberations these conclusions emerged:

1. The legal needs of all persons confined in correctional institutions must be met, juvenile as well as adult, short-term offenders and pre-trial detainees in local jails as well as those in state and federal institutions.
2. All techniques and resources available must be used.
   a) Basic collections and expanded collections as needed
   b) Inter-library loans
   c) American Association of Law Libraries (AALL) list for law libraries providing services
   d) Photo copied materials and, as available, materials in microform
   e) Back-up services from State law libraries
   f) Development of simplified materials for laymen
3. Competent personnel must be provided to assist the inmate in using legal reference materials. These may be:
   a) Librarians
   b) Civilian para-professionals
   c) Correctional officers
   d) Inmate clerks
4. Training programs in law librarianship for institutional libraries, para-professionals, inmate clerks or correctional officers must be planned and supervised on a continuing basis by a qualified professional (law librarian or attorney).
5. Materials selection must be recognized as an on-going process

and must be done by a qualified person (law librarian or attorney) familiar with:

a) Changing sources, scope and quality of publications

b) Developing new forms such as microfiche

c) Current requirements of the court

d) The particular needs of the clientele at each institution

6. Provisions must be made on a continuing basis for up-dating, repairing and replacing lost or damaged materials.

7. The use of copy machines and copied materials is essential at both the local institution and for filling inter-library loan requests. Their use will expand access to materials and minimize vandalism and theft.

8. Library rules and hours open must guarantee access to all inmates. Restrictions on check out periods, number of books, etc., should be established only to the degree that they increase access for the largest number of persons.

9. Access to both legal counsel and to bibliographic materials and services is essential. Legal counsel may be through:

a) Outside attorneys working through a contractual arrangement with a department of corrections

b) Attorneys employed by a department of corrections

c) Expanded public defender programs

d) Student legal aid programs

e) Bar Association volunteer groups during pro-bono work

f) Civilian para-professionals

g) Inmate legal advisory councils

10. All sub-professional legal counseling programs must be supervised

and supplemented on a sustained basis by a qualified attorney.

11. Suitable space must be provided for individual study, conversation and for private consultation.

12. Clarification of copyright laws is essential. Limitations of space and money preclude the possibility of providing all original materials.

13. Microfiche forms offer great hope for meeting inmate legal research needs of the future. Publishers need to be apprised of the need and of the potential demand for them.

14. There is need for the development on a state basis of simplified forms and pamphlets to meet the numerous, but fairly routine civil legal problems of pre-trial detainees.

15. Legislation is needed to provide adequate funding through special programs and to clarify copyright questions. The assistance of the ALA Washington, D.C. Office should be sought.

16. Extra legal avenues of recourse for prisoner grievances should be encouraged to reduce the need for prisoner litigation. Such as:

    a) Ombudsman

    b) Closer ties with community service agencies

    c) Volunteer programs for personal assistance to inmates

17. The expansion of state law library services is an alternative solution to developing internal systems within a department of corrections which offers the advantage of meeting the legal research needs of prisoners in a variety of jurisdictions.

Guidelines for assisting correctional administrators to meet legal research needs of inmates are being prepared and will be submitted to the American Correctional Association for their approval.

Submitted by,

Marjorie Le Donne
Co-chairman, Subcommittee on Legal
Research Materials of the American
Correctional Association

ML:cf

APPENDIX B:

LEGAL REFERENCE MATERIALS RESOLUTION

Submitted by Joint A.H.I.L./A.C.A. Library Committee
and approved by the American Correctional Association
at the 102nd Annual Congress, Pittsburgh, August, 1972

WHEREAS, recent court decisions mandating that indigent prisoners have ready access to the courts have supplied no guidelines as to how access should be provided; AND

WHEREAS, one method being tried to meet the mandate is the provision of legal reference materials for the use of inmates in preparing writs: AND

WHEREAS, during discussions at a recent Seminar on Legal Research Materials for Offenders held, May 22-23, 1972, under the auspices of the American Correctional Association, concern was expressed by the participants that the attempts to meet the courts directive by the purchase of an adequate legal research collection would be a financial burden that not even the largest institution could afford, and that such attempts could threaten the integrity of funds now available for general library services; AND

WHEREAS, the American Correctional Association is aware of the value of strong institutional library programs that meet the needs of inmates and staff, and agrees with the concerns expressed by the Seminar participants that the provisions of legal research materials to inmates should not weaken existing institutional library programs;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS TO WIT:

1. That local jurisdictions should be the primary source of funds to supply legal research materials to prisoners.

2. That in the event that local jurisdictions are unable to financially support programs to supply legal research materials to prisoners the first alternative source of funding should be the U.S. Department of Justice through LEAA or some other of its programs.

3. That Library Services and Construction Act funds be used to supply legal research materials only if additional funds are appropriated specifically for this purpose.

APPENDIX C:*

LI-XIII-00 ESTABLISHMENT OF THE COLLECTION AND DESCRIPTION

ADD There shall be established in each institution a law library consisting of, but not necessarily limited to, one complete and current set of each of the following:

Either West's Annotated California Codes (125 v.) or Deering's California Codes Annotated (122 v.).

Either West's California Digest (77 v.) or McKinney's New California Digest Annotated (63 v.) or California Jurisprudence, 3d series.

Either West's California Reporter or California Official Reports, 1960 to date (Volumes 175 through 276 of Cal. App. 2d and continuing with Cal. App. 3d and Volumes 53 through 71 of Cal. 2d and continuing with Cal. 3d).

Witkin, California Crimes and California Criminal Procedure (3 v.).

Continuing Education of the Bar, California Criminal Law Practice (2 v.).

Either United States Code Service (54 v.) or United States Code Annotated (160 v.).

Modern Federal Practice Digest.

Either United States Reports, v. 269 (1949) to date, United States Supreme Court Reports, Lawyer's Edition v. 93 (1950) to date or Supreme Court Reporter v. 70 (1950) to date.

Federal Reporter, Second Series, v. 176 (1950) to date.

Federal Supplement, v. 180 to date.

United States Law Week, beginning with current volume.

Shepard's United States Citations

Shepard's Federal Citations

Shepard's California Citations

Harvard Law Review Developments on Habeas Corpus

* From the Library Manual of the California Department of Corrections

Sokol, Handbook of Federal Habeas Corpus (2d.ed.)

A recognized law dictionary, such as Black's or Ballantine's.

LI-XIII-01 KEEPING THE COLLECTION CURRENT

ADD Each set of case reports and statutes shall be kept current. This means that lost, stolen, or missing volumes, or volumes that are damaged so that they are not fully usable, shall be replaced. This also means that a continuing subscription to advance sheets and new volumes shall be maintained for each set of reports of cases, and that supplements to each set of codes, statutes, and other reference works shall be obtained and added to each library as they become available.

Law books not on the above list, but currently existing at various institutions, shall be retained in institutional law libraries, but need not be replaced in case of loss, theft, or mutilation.

LI-XIII-02 INMATE ACCESS TO LAW LIBRARY

ADD Each institution head shall formulate regulations governing access to each law library and hours of library operation. These regulations shall provide for maximum inmate access consistent with space limitations and institutional security needs.

LI-XIII-03 PURCHASING PROCEDURES FOR REPLACEMENT OF LOST OR DAMAGED LAW BOOKS, UPDATING THE COLLECTION, OBTAINING SUPPLEMENTS, REVISIONS AND SUBSCRIPTIONS

ADD Purchases of required legal materials as defined in Section LI-XIII-00 of the Library Manual, for institutional legal libraries shall be made by the Assistant Chief of Education.

Requests to replace required lost or damaged law books are to be prepared in writing by the institutional librarian and forwarded to the Assistant Chief of Education.

Purchases of law books and other legal materials not on the required list, will be the responsibility of the institution.

Yearly updating of the collection and periodic updating of the supplements, subscriptions and revisions will be the responsibility of the Assistant Chief of Education.

LI-XIII-04 ESTABLISHMENT OF THE CIRCULATING LAW LIBRARY DESCRIPTION AND PROCEDURES FOR USE

ADD There shall be established in the department a Circulating Law Library, the contents of which shall consist of, but not be limited to, the following sets of law books:

Federal Supplement, v. 1-179.

Either United States Reports v. 1-238, Supreme Court Report v. 1-69, or United States Supreme Court Reports, Lawyer's Edition, First Series, v. 1-179.

California Reports, First Series

California Reports, Second Series

California Appellate Reports, First Series

California Appellate Reports, Second Series

Federal Rules Decisions

Federal Reporter, 2d series, Volumes 1-175.

Either American Jurisprudence 2d or Corpus Juris Secundum.

California Jurisprudence 2d.

The function of the Circulating Law Library will be to ship law books to institutional law libraries for the temporary use of the inmates of those institutions. Upon receiving a request from an inmate for a particular volume in the Circulating Law Library, an institutional librarian shall immediately order that volume from the librarian of the Circulating Law Library, who shall dispatch it to the requesting institutional librarian immediately upon receipt of the request, or notify the requesting librarian that the volume is on loan. When the volume is received at the institutional library, the librarian

ADD

shall immediately notify the requesting inmate. The volume may remain at the institutional library up to three days, during which it shall be available for use by any inmate. If the requesting inmate demonstrates that he will be unable to use the volume during the three-day period, the institutional librarian may retain the volume for an additional four days. No volume shall be retained at any institutional law library for a longer period than seven days unless the librarian ascertains from the librarian of the Circulating Law Library that the volume is not on request by any other institutional library. The librarian of the Circulating Law Library may direct that any volume from that library on loan to an institutional law library be transshipped directly to another institutional law library in satisfaction of a loan request. No inmate may request more than five volumes from the Circulating Law Library during any one-week period, except at the discretion of the librarian of his institution and the librarian of the Circulating Law Library. It is the policy of the Department that the Circulating Law Library be operated in such a manner as to insure maximum access by all inmates to the volumes contained in said library.

When possible, the Circulating Law Library may send to the requesting library, a duplicated copy of the material it wishes, rather than the entire volume. Said copy may be retained indefinitely by the inmate requesting the material. Nothing in this section shall prevent the Department of Corrections from contracting the actual operation of the Circulating Law Library to another agency providing that the required standards of service shall be retained.

LI-XII.-05 LOCATION OF THE CIRCULATING LAW LIBRARY

ADD

State Law Library
California State Library
P. O. Box 2037
Sacramento, California 95809

APPENDIX D:

ACA COMMITTEE ON INSTITUTIONAL LIBRARIES
Subcommittee on Legal Research Materials

Questionnaire on Legal Research
Materials in State Correctional Institutions*

Name and Address of Institution** _____

_____

_____

1. Is there a law collection in the institution? Yes _____ No _____

If so:

2. How many volumes are in the law collection? _____
(If list of titles is available, please attach.)

3a. Is the law collection located in the main room of the inmates'

library? Yes _____ No _____

3b. Is it in a separate room of the inmates' library? Yes _____ No___

3c. Is it in another location? (Describe) _____

_____

_____

4a. Who is responsible for supervision of the law collection?

librarian _____ inmate _____ other (who) _____

4b. How many assistants service the law collection?

librarians _____ other staff _____

members _____ inmates _____

5. Are legal materials available to all inmates? Yes _____ No _____

If not, what inmates do not have access? _____

_____

*Follow-up on questionnaire dated March 2, 1972.
**Please duplicate questionnaire and use separate form for each institution reported on.

6a. Are inmates required to use the legal reference books in the library or in the room where the law collection is located? Yes ____ No ____

6b. Are copying services available in the institution so inmates may have copies of legal references? Yes ____ No ____

7a. Are legal reference materials available on interlibrary loan? Yes ____ No ____

7b. If yes, identify sources: State law library _____

Other _____

_____

_____

8a. Are photo-copies of materials available from outside sources? Yes ____ No ____

8b. If yes, identify sources: State law library _____

Other _____

_____

_____

8c. Are these materials furnished to inmates free of charge? Yes ____ No ____

9. Is the use of the collection: Frequent? _____

Occasional? _____ Infrequent? _____

10a. Is it used by many inmates? _____ or by a few? _____

10b. If possible, estimate the percentage of inmate population who have used legal materials in the preceding 12 months. _____

_____

11. Have there been requests for legal reference services (or for improved services)? Yes ____ No ____

The following question is optional. Please continue answer on a separate sheet if more space is needed.

12. If you can furnish additional information on other aspects of legal research services, we would appreciate it. For instance: problems; most used materials; most needed materials; most needed services, etc.

Please return by January 4, 1973.

Mrs. Marjorie Le Donne
Institute of Library Research
South Hall Annex
University of California
Berkeley, California 94720

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RECENT ILR PUBLICATIONS

Publication of papers and reports of interest to scholars and practitioners in the field of library and information science is an important function of the Institute of Library Research. In addition to this study, the following have been published recently by ILR.

ILR-73-001 Todd, Judy, Summary Report of Student Studies of the Subject Headings Used in the University of California, Berkeley Subject Catalog (July 1973) 8 pp. (ERIC NO. ED 082 775)

ILR-73-002 Bourne, Charles P., and Jo Robinson, SDI Citation Checking as a Measure of the Performance of Library Document Delivery Systems (July 1973) 10 pp. (ERIC NO. ED 082 774)

ILR-73-003 Weeks, Kenneth, Determination of Pre-Acquisition Predictors of Book Use: Final Report (July 1973) 20 pp. (ERIC NO. ED 082 776)

ILR-73-004 Weeks, Kenneth, Proposal for a University of California/ California State University and Colleges Inter-Segmental Machine Readable Library Patron Card (August 1973) 21 pp. (ERIC NO. ED 082 777)

ILR-73-005 LeDonne, Marjorie, "Summary of Court Decisions Relating to the Provision of Library Services in Correctional Institutions," Association of Hospital and Institution Libraries Quarterly (Winter/Spring 1973) 9 pp.

ILR-73-006 Thelin, John, and Bonnie F. Shaw (editors), Institute of Library Research Annual Report: July 1972 to June 1973 (September 1973) 30 pp.

ILR-73-007 Dekleva, Borut, Uniform Slavic Transliteration Alphabet (USTA) (October 1973) 82 pp.

ILR-73-008 LeDonne, Marjorie, Findings and Recommendations. Volume I., Survey of Library and Information Problems in Correctional Institutions (January 1974).

ILR-73-009 LeDonne, Marjorie, Access to Legal Reference Materials in Correctional Institutions. Volume II., Survey of Library and Information Problems in Correctional Institutions (January 1974).

ILR-73-010 LeDonne, Marjorie, David Christiano, and Jane Scantlebury, Current Practices in Correctional Library Services: State Profiles. Volume III., Survey of Library and Information Problems in Correctional Institutions (January 1974).

ILR-73-011 LeDonne, Marjorie, David Christiano, and Joan Stout, Bibliography., Volume IV., Survey of Library and Information Problems in Correctional Institutions (January 1974)